

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



# REQUEST FOR PROPOSAL SECONDARY

## Notice to Prospective Firms

February 13, 2020

You are invited to review and respond to this Request for Proposal Secondary (RFP) number 10161011 for Independent Feasibility Analysis services. The anticipated term of this agreement is one year. In submitting your proposal, you must comply with these instructions.

Note that all agreements entered into with the Department of Water Resources, hereinafter referred to as the "State", incorporates, by reference, the State's General Terms and Conditions (GTC) and Contractor Certification Clauses (CCC) that may be viewed and downloaded at the Department of General Services (DGS) website:

<https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language>

If you do not have Internet access, a hard copy can be provided by contacting the person listed below. The CCC package contains clauses and conditions that may apply to your Agreement and to anyone doing business with the State of California. The Certification will be kept on file in a central location.

Inquiries regarding the processing of this proposal should be referred to Nicole Anderson at (916) 651-7013. Please note that no verbal information given will be binding upon the State unless such information is issued in writing as an official addendum to this solicitation.

Sincerely,

Vivien Maisonneuve,  
Program Manager II  
Salton Sea Program

Attachment(s)

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## NOTICE OF STATE MANDATED SB/DVBE PROGRAM PARTICIPATION REQUIREMENTS

### Disabled Veterans Business Enterprise (DVBE) Information

The Department of Water Resources has determined that DVBE opportunity exists and firms responding to this RFP must comply with DVBE Program requirements. Instructions for completing DVBE program requirements are found in Attachment V, DWR 9526 - California DVBE Program Requirements. Please review these instructions carefully. When responding to the DVBE program requirements, firms must use the forms contained within this solicitation. ***Failure to fulfill the DVBE requirement will render your proposal non-responsive and shall be cause for proposal rejection.***

This solicitation also includes DVBE Incentive language. The DVBE Incentive offers firms an incentive calculation for including DVBE subcontractors in their RFP response. Application of the Incentive may place the firm in position to receive award of the RFP. Use of the DVBE Incentive cannot be used to displace a certified small business firm that has been deemed the highest responsive, responsible firm with that of a non-small business. The incentive applied is based on the firm's proposed DVBE commitment. Minimum incentive applied will be three (3) percent and will not to exceed five (5) percent.

### Small Business Program Information

If a proposing firm is not a California Certified Small Business and wishes to be considered for the small business calculation preference for this solicitation, proposing firm application for small business must be received by the Department of General Services Office of Small and DVBE Business Services (OSDS) by the proposal due date by close of business. Proposing firms seeking small business certification status must also notify the Department in writing at the time of proposal submission that they have an application for Small Business certification for review and approval at the DGS-OSDS.

Contact the DGS Office of Small Business and DVBE Services (OSDS) at internet website <https://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Office-of-Small-Business-and-Disabled-Veteran-Business-Enterprise/Certification-Program> or call (916) 375-4940 for certification assistance.

For additional assistance meeting DVBE program requirements or inquiries about Small Business certification, please contact the Department of Water Resources SB/DVBE Program Manager at (916) 653-9813, or email [SB.DVBE@water.ca.gov](mailto:SB.DVBE@water.ca.gov)

**A. Purpose and Description of Services**

DWR is seeking interested and qualified applicants to advance our understanding on the feasibility of water importation by providing independent third-party evaluation services and a feasibility analysis in support of the State's planning objectives for the Salton Sea Management Program (SSMP). The objective of this RFP is to conduct a feasibility study of the 2017 Request For Information (RFI) proposals and to elucidate whether or not water imports to the Salton Sea are achievable.

**B. Proposing Firm Minimum Qualifications**

The Contractor agrees to assign individuals to deliver the services required in Exhibit A, Scope of Work (SOW) who meet or exceed the qualifications described in the following subsections of this RFP. Proposing firms must include in their proposals any supporting documentation, as needed, for the individual(s) who would perform the required services.

*NOTE: Experience cited by the proposing firm as evidence of satisfying the minimum qualification requirements must include work performed within 5 years preceding submission of the Contractor's response to the RFP, and must provide evidence that the Contractor has experience creating and managing independent panels, experience with planning and managing large water resource related construction projects, and have extensive engineering experience in multiple fields.*

1. Accessibility and Location – The proposing firm must be able to provide the services identified in the SOW. Proposing firms must have webinar and conference call capability for meetings and events and be capable of travel throughout California.
2. Project Manager – The proposing firm must assign a Project Manager that will be responsible for ensuring the delivery of the SOW. The Project Manager must have a minimum of 10 years of project management experience related to engineering, scientific, and construction programs and projects. The Project Manager is responsible for contract administration and for ensuring deliverables are provided to the California Department of Water Resources (DWR) on time and within budget.
3. References – The proposing firm must submit a minimum of 5 references that can verify the firm's ability to fulfill the tasks indicated in the SOW. Each reference provided must have full contact information, a brief description of the type of work provided to the reference by the firm, and the work's relevance to the tasks in the SOW. By providing the reference list for any portion of this RFP, the Proposer gives DWR and the reference full permission for inquiry by DWR and disclosure by the reference of any information about Proposer, whether such inquiry or information is based on fact, judgment or hearsay. References must confirm completion of the required tasks and services for the described projects and must report above-average performance satisfaction in all task categories.

If subcontractors are utilized, identification of those persons or firms, how and why they were selected, resumes or curriculum vitae (CV) of each major subcontract participant, and a description of how subcontracted work will be controlled, monitored, and evaluated must be included within the proposal package.

**C. Proposal Requirements and Information**

1. PROPOSAL KEY ACTION DATES

All proposing firms must adhere to the following time schedule.

RFP available to prospective proposing firms on	February 14, 2020
Technical questions must be submitted by	February 27, 2020 at 10:00am
Answers to technical questions will be disseminated by	March 3, 2020 at 10:00am
Proposals must be received by	March 16, 2020 at 10:00am
Anticipated start date of agreement is	May, 2020

2. LOCATION WHERE WORK WILL BE PERFORMED:

Contractor's Location within California

3. QUESTIONS AND ANSWERS

Technical questions must be submitted in writing to [nicole.anderson@water.ca.gov](mailto:nicole.anderson@water.ca.gov) and received by DWR on or before February 27, 2020 at 10:00am. DWR will provide answers in writing to all potential proposing firms by 10:00am on March 3, 2020.

4. WORK PLAN AND WORK SCHEDULE/TECHNICAL PROPOSAL REQUIREMENTS

The proposing firm will develop a work plan and schedule for task completion. If applicable, identify each major task, necessary subtask, and/or specifics by which progress can be measured and payments made. Proposing firms may need to include the following information:

- a. Project Personnel: List all personnel who will be working on the project. Include resumes or CV which explain their job titles, roles in the company, past and current responsibilities in the projects, and their qualifications.
- b. Facilities and Resources: Explain where the services will be provided and what type of equipment and/or other resources are needed to perform the services.
- c. Specific Project Tasks: Outline tasks that will lead to achieving the goal.
- d. Roles and Responsibilities: List who is responsible for completing each task in this project, who will synthesize the information, who is responsible for timely delivery of the complete final report.
- e. Communication Plan: Identify ways to communicate among the Panel members, the Contractor, and the State.
- f. Constraints: Identify any obstacles that may cause not fully completing the review or delaying the development of the final report.
- g. Risks: Identify risks inherent to this project and how to mitigate them.
- h. Schedule: Develop the work schedule, indicate milestones, dependencies, and critical path.
- i. Costs: Estimate direct and indirect costs for each task and the whole project.
- j. Progress Measurements: Define ways to rate success or failure of the project milestones, what are the indicators that panel member has provided sufficient information.

The Contractor will direct the Panel to participate in up to five technical coordination meetings with DWR. The Contractor will prepare progress reports prior to each meeting. The progress reports must include any potential deviation from the critical path, including any expertise gaps among panel members, data gaps, scheduling conflicts, and ways to mitigate them.

The Contractor will begin work immediately upon execution of the contract. It is anticipated that the duration of this contract will be approximately twelve (12) months.

5. COST PROPOSAL FORMAT AND REQUIREMENTS

The proposing firm will use the attached Cost Proposal Worksheet (Attachment I) to provide their

cost proposal. The Cost Proposal Worksheet will be submitted in the same envelope as the proposal.

## 6. SUBMISSION OF PROPOSAL

- a. Proposals must be submitted by mail, hand delivery, UPS, express mail, or Federal Express to:

Department of Water Resources  
Attention: Nicole Anderson  
1416 Ninth Street, Room 353  
Sacramento, California 95814

- b. Proposals should provide straightforward and concise descriptions of the proposing firm's ability to satisfy the requirements of this RFP.
- c. If the proposal is made under a fictitious name or business title, the actual legal name of the proposing firm must be provided.
- d. Due to limited storage space, the proposal package should be prepared using the least expensive method (i.e. cover page with staple in upper left-hand corner, no fancy bindings).
- e. All proposals must include original signatures on the following documents: Proposal/Proposing firm Certification Sheet, Contractor Certification Clauses, and any other documents specified in this RFP.
- f. Proposals not including the documents identified in the Proposal Checklist shall be deemed non-responsive and will be rejected.
- g. All proposals are to be sent to DWR within the time frame indicated in the Time Schedule. Proposals received after the due date and time will be returned unopened to the prospective proposing firm.
- h. All proposals must be submitted under sealed cover. The sealed cover must contain all documents listed in the Proposal Checklist. The outside of the sealed cover must be plainly marked with the RFP title and number, must show your firm's name and address, and must be marked with "DO NOT OPEN."
- i. Proposals not submitted under sealed cover will be rejected. A minimum of two signed proposals must be submitted. One proposal must be submitted in hardcopy. One proposal must be submitted in an electronic format (Word and/or PDF File) on a USB Drive. Both proposals must be signed and submitted in the same envelope. USB Drives can be returned at the request of the proposing firm once the solicitation is concluded.
- j. Proposals not submitted under sealed cover will be rejected. A minimum of two original signed proposals must be submitted. Both proposals must be submitted in the same envelope.
- k. Proposals must be submitted for the entire service described within the Scope of Work. Deviations from the specifications will not be considered and will be cause for rejection of the proposal.
- l. The State does not accept alternate language from a proposing firm. A proposal with such language will be considered a counter proposal and will be rejected. The State's General

Terms and Conditions (GTC) are not negotiable.

- m. A proposal may be rejected if conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. The State may waive any immaterial deviation in a proposal. The State's waiver of immaterial defect shall in no way modify the RFP document or excuse the proposing firm from full compliance with the objectives if awarded the Agreement.
- n. Costs for developing proposals and preparation of award of the Agreement are entirely the responsibility of the proposing firm and shall not be chargeable to the State of California.
- o. This RFP must be signed by an individual who is authorized to bind the proposing firm contractually. The signature must indicate the title or position that the individual holds in the firm. An unsigned proposal will be rejected.
- p. A proposing firm may modify a proposal after its submission by withdrawal and resubmission before the proposal due date. Modification of a proposal offered in any other manner, oral or written, will not be considered.
- q. A proposing firm may withdraw their proposal by submitting a written request to the State for its withdrawal, signed by the proposing firm or an agent authorized in accordance with paragraph n above. A proposing firm may thereafter submit a new proposal before the proposal submission deadline. Proposals may not be withdrawn after the proposal due date. Proposals received after the due date and time will be returned unopened to the prospective proposing firm.
- r. DWR may modify the RFP prior to the date fixed for submission of proposals by the issuance of an Addendum to all parties who received a proposal package. This Addendum will also be posted on the State's eProcurement website found at [www.Cal eProcure.com](http://www.Cal eProcure.com).
- s. If all proposals are too high, DWR is not required to award an Agreement.
- t. The State may reject all proposals if deemed necessary.
- u. The proposals submitted, including costs, will become public when DWR has completed its evaluation and announces the responsible proposer who has been given the highest score.
- v. Proposing firms are cautioned not to rely on the State during the evaluation to discover and report all defects and errors in the proposal documents. Proposing firms should carefully proof read documents for errors and adherence to the RFP requirements prior to proposal submittal.
- w. Where applicable, the proposing firm should carefully examine the worksite and specifications. Proposing firm shall investigate the conditions, character, quality of surface, subsurface materials, or obstacles to be encountered. No additions to the Agreement amount will be made because of failure to thoroughly examine the worksite and specifications.
- x. More than one proposal from an individual, firm, partnership, corporation or association under the same or different names, will not be considered. Reasonable grounds for believing that any proposing firm has submitted more than one proposal for the work contemplated herein will cause the rejection of all proposals submitted by that proposing firm. If there is reason for believing that collusion exists among the proposing firm, none of the participants in such collusion will be considered in this or future procurements.



7. EVALUATION AND SELECTION PROCESS

- a. The State will put each proposal through a process of evaluation to determine the responsiveness of proposing firms to the State's needs. The final selection will be made on the basis of the highest scoring proposal meeting the specifications.
- b. Proposals containing false or misleading statements or providing references that do not support an attribute or condition claimed by the proposing firm may be rejected. If, in the opinion of the State, information was intended to mislead the State in its evaluation of the proposal, and the attribute, condition, or capability is a requirement of this RFP, it will be the basis for rejection of the proposal.
- c. If there are tied proposals, DWR will draw straws to pick the winning proposing firm. The drawing will be witnessed and documented by two or more DWR employees.
- d. The evaluation process will consist of three phases.
  - i. In Phase One, proposals are reviewed to ensure that all documentation has been submitted in compliance with the requirements of this RFP. DWR will review all of the following documents to determine that each is enclosed and properly completed. Failure to meet these administrative requirements shall cause a proposal to be deemed non-responsive and therefore ineligible for the next step of the RFP evaluation process.
    - 1. Cost Proposal Worksheet (Attachment I)
    - 2. Proposal/Proposer Certification Sheet (Attachment II)
    - 3. References (Attachment III)
    - 4. Darfur Contracting Certification (Attachment IV)
    - 5. California Civil Rights Laws (Attachment VIII)
    - 6. Iran Contracting Act (Attachment IX)
    - 7. Small Business Certification (when applicable)
    - 8. Completion of DVBE compliance documentation, DWR 9526 (Attachment V)
      - a) Bidder Certification of DVBE Participation-Page 6 of DWR 9526 (Attachment V)
      - b) DVBE Declaration – Std. 843 (Attachment VI)
      - c) Bidder Declaration – GSPD-05-105 (Attachment VII)
      - d) OSDS DVBE Certification from DGS
      - e) DWR DVBE Advocate's Notification of Compliance (*if obtained in advance*)
    - 9. Work Plan and Work Schedule/Technical Proposal
    - 10. Resumes for all personnel
    - 11. Proof of certifications or licenses
    - 12. References as identified in Minimum Qualifications
    - 13. Proof of years experience as identified in Minimum Qualifications for Project Manager
    - 14. Must have office located within California
  - ii. Phase Two will consist of an evaluation of the Work Plan and Work Schedule/Technical Proposal and Cost Proposal based on the criteria below.

<b>Rating/Scoring Criteria</b>	<b>Maximum Possible Points</b>
Work Plan and Work Schedule/ Technical Proposal	55
Cost Proposal	24
Total Possible Points	79

RFP Scoring Criteria	Maximum Points Possible
<p><b><u>1. Knowledge and familiarity with the water conveyance systems.</u></b> The firm must have knowledge, familiarity, and experience working with large water supply, water treatment, water conveyance systems, renewable or conventional energy or hydropower systems, or similar facilities and appurtenant civil structures at a large regional, statewide or international scale. Understand risks related to implementing a water importation projects at the Salton Sea.</p>	10
<p><b><u>2. Experience facilitating collaborative processes involved in technical water resources programs and projects.</u></b> The firm must have knowledge of and specify experience facilitating and supporting collaborative processes involved in technical water resources programs and projects, such as water conveyance and storage, integrated regional water management, water supply, water conservation, dam and flood safety at the local, regional, statewide, and international levels.</p>	10
<p><b><u>3. Experience analyzing, synthesizing, and distilling complex scientific and financial information.</u></b> The firm must have relevant training, education, certifications, and experience in the fields of water quality, air quality, hydrology, hydraulics, ecology, biology, and economics. Demonstrate a broad understanding of scientific principles and the challenges in the Salton Sea region</p>	10
<p><b><u>4. Experience conducting stakeholder identification, assessment, outreach, and engagement.</u></b> The firm must have knowledge of and specify experience in conducting stakeholder identification and assessments, developing communication and engagement plans, and conducting stakeholder and public outreach. Demonstrate experience working on international boundary related infrastructure projects or specific experience in Mexico or Central/South America. Discuss any creative or unique approaches employed to actively outreach and engage with stakeholders and the public.</p>	5
<p><b><u>5. Understanding of environmental compliance and permitting.</u></b> The firm must have knowledge, familiarity, and experience working with International, Federal, State, and Local environmental compliance laws and permitting.</p>	10
<p><b><u>6. Project management experience.</u></b> The firm must have knowledge of and specify experience organizing, leading, and managing a multidisciplinary independent team or panel to perform work related to technical water resources programs and projects such as water conveyance, integrated regional water management, water supply, water conservation, desalination, and dam and flood safety.</p>	5
<p><b><u>7. Experience managing State of California contracts.</u></b> The firm must have experience with managing State of California contracts, including developing, implementing, and amending contract documents; tracking expenditures and contract budget; and preparation and timely submittal of deliverables, progress reporting, and invoicing. Demonstrate effective communication protocol and long-distance coordination capabilities. For example, how to coordinate</p>	5

meetings with California Natural Resources Agency (CNRA), DWR and the panel, coordinate reviews and other required efforts among panel members, making panel members available on request, and frequency of coordinating meeting between panel members and CNRA and DWR managers.	
<b>Total Maximum Score</b>	<b>55</b>

<b>RFP Scoring Rubric for Criteria 1, 2, 3, and 5</b>	<b>Points</b>
Proposal fails to address the criterion, or the proposing firm does not describe any experience related to the criterion.	<b>0</b>
Proposal minimally addresses the criterion, but one or more major considerations of the criterion are not addressed, or so limited that it results in a low degree of confidence in the proposing firm's response.	<b>2</b>
Proposal addresses the criterion, but minor considerations may not be addressed. Some degree of confidence in the proposing firm's response.	<b>4</b>
Proposal response fully addresses the criterion and demonstrates good quality solutions. Good degree of confidence in the proposing firm's response.	<b>6</b>
All considerations of the criterion are addressed with a high degree of confidence in the proposing firm's response.	<b>8</b>
All considerations of the criterion are addressed with the highest degree of confidence in the firm's response. The response exceeds the requirements and demonstrates superior experience and creative approaches.	<b>10</b>

<b>RFP Scoring Rubric for Criteria 4, 6, and 7</b>	<b>Points</b>
Proposal fails to address the criterion, or the proposing firm does not describe any experience related to the criterion.	<b>0</b>
Proposal minimally addresses the criterion, but one or more major considerations of the criterion are not addressed, or so limited that it results in a low degree of confidence in the proposing firm's response.	<b>1</b>
Proposal addresses the criterion, but minor considerations may not be addressed. Some degree of confidence in the proposing firm's response.	<b>2</b>
Proposal response fully addresses the criterion and demonstrates good quality solutions. Good degree of confidence in the proposing firm's response.	<b>3</b>
All considerations of the criterion are addressed with a high degree of confidence in the proposing firm's response.	<b>4</b>
All considerations of the criterion are addressed with the highest degree of confidence in the firm's response. The response exceeds the requirements and demonstrates superior experience and creative approaches.	<b>5</b>

The DWR Evaluation Team will score the submittals based on percentages for levels of quality for each scoring criterion. The percentages will then be translated to points based upon the weight for each particular factor. For example, under "Effective Timeframes," if a proposing firm's response is considered "Excellent," it will receive 9 points (0.9 x 10). The same approach will be used for all categories, except the scoring of the Cost Proposal.

<b>Percentage of maximum points</b>	<b>Description</b>
<b>Non-Compliant</b>	Fails to address the component or the proposing firm does

0%	not describe any experience related to the component.
<b>Poor</b> 30%	Minimally addresses the section, but one or more major considerations of the component are not addressed, or so limited that it results in a low degree of confidence in the proposing firm's response.
<b>Fair</b> 70%	The response addresses the section, but minor considerations may not be addressed. Acceptable degree of confidence in the proposing firm's response.
<b>Good</b> 80%	The response fully addresses the section and provides a good quality solution. Good degree of confidence in the proposing firm's response.
<b>Excellent</b> 90%	All considerations of the section are addressed with a high degree of confidence in the proposing firm's response.
<b>Outstanding</b> 100%	All considerations of the section are addressed with the highest degree of confidence in the firm's response or proposed solution. The response exceeds the requirements in providing a superior experience and creative approach.

Proposing firms must submit their Cost Proposals on the attached Cost Proposal Worksheet (Attachment I). If no proposal contains a Cost Proposal, which in the opinion of DWR is a reasonable price, DWR is not required to award a contract (Public Contract Code section 10344(d)). Each firm's Cost Proposal score will be based on the ratio of its total cost to the total cost associated with the lowest responsive proposal multiplied by the maximum number of cost points. The Cost Proposal score will be rounded to the nearest whole integer. An example of this calculation is shown below:

$$\frac{\text{Lowest Firm's Total Cost}}{\text{Firm's Total Cost}} \times 24 = \text{Bidder's Cost Score}$$

Cost Score Sample

Firm	Total Cost Proposal	Calculation	Cost Proposal Score
A	\$175,000	$\frac{\$100,000 \text{ (Bidder B)}}{\$175,000 \text{ (Bidder A)}} \times 24$	14
B	\$100,000	$\frac{\$100,000 \text{ (Bidder B)}}{\$100,000 \text{ (Bidder B)}} \times 24$	24
C	\$150,000	$\frac{\$100,000 \text{ (Bidder B)}}{\$150,000 \text{ (Bidder C)}} \times 24$	16

- iii. In Phase Three, Small Business Preferences and DVBE Incentive calculations will be completed as necessary prior to contract award. The application of the Small Business Preference and DVBE Incentives may result in the displacement of a previously high scoring firm.
  - 1. Proposing firms that are Small Business certified by DGS, Office of Small Business and DVBE Services (OSDS) may receive a five (5) percent preference calculation. The Small Business (SB) preference will be calculated by factoring five (5) percent of the highest scored points and adding those points to that of the certified Small Business.

Example:	High Score:	95 points
	Small Business Score:	91 points
	$95 \times 0.05$ SB preference =	4.75 points
	Small Business Score:	91 points
	SB Points:	<u>4.75 points</u>
		95.75 points

In the example above, the SB would achieve a high point score and be in line for contract award.

2. The DVBE Program Incentive is applied during Phase Three and may result in the increase of a firm’s total points, placing them in line for award. Application of the DVBE Incentive is based on the number of total possible points specified.

The following example is based on 100 total possible points:

Confirmed DVBE Participation	Possible Points Calculation
5% and Over	$5\% \times 100 = 5$ Points
4% - 4.99% inclusive	$4\% \times 100 = 4$ Points
3% - 3.99% inclusive	$3\% \times 100 = 3$ Points
2% - 2.99% inclusive	$2\% \times 100 = 2$ Points
1% - 1.99% inclusive	$1\% \times 100 = 1$ Point

- a) Once all proposals are evaluated for the factors indicated under the Rating/Scoring Criteria above, the DVBE Incentive will be calculated and those points will be factored into the total points of those firms with lower scores that have identified DVBE participation levels as outlined in the above table. The points applied may result in a firm achieving high points placing them in line for the solicitation award.
  - b) A Small Business firm may be displaced by another firm achieving higher points as a result of the DVBE Incentive application.
  - c) An Evaluation Committee shall conduct the scoring and review the results submitted.
  - d) Only firms that are certified as small business by the Department of General Services, Office of Small Business Certification and Resources, receive a 5 percent preference. The preference is applied by the Department before the contract is awarded.
3. DVBE Incentive Application – Allowable Incentive Amounts
    - a) When the DVBE program is a required component of the solicitation, the minimum acceptable commitment level is three (3) percent. Incentive amounts applied begin at three percent and will not exceed five (5) percent.
    - b) When the Department waives DVBE program compliance from a solicitation, a responding firm’s DVBE participation is optional. Firms proposing DVBE participation are eligible to receive a DVBE incentive calculation from one (1)

to five (5) percent. The incentive applied will be at the level of proposed DVBE commitment.

Example scale using high score method:

Available points example using sliding scale:

Administrative: 200 points  
 Technical proposal: 400 points  
 Cost proposal: 600 points  
 Total: 1200 points

Confirmed DVBE Participation	Possible Points Calculation:
1% - 1.99% inclusive	1% X 1200 = 12
2% - 2.99% inclusive	2% X 1200 = 24
3% - 3.99% inclusive	3% X 1200 = 36
4% - 4.99% inclusive	4% X 1200 = 48
5% and Higher	5% X 1200 = 60

the example above, there are 60 maximum DVBE Incentive points possible.

Example results using high score method:

Proposing Firm	A	B	C
Responsive/Responsible	Yes	Yes	Yes
Total Points	1050	1155	1125
Eligible Preference	SB	None	SB
SB Preference points achieved	57.75	0	57.75
<b>Points Subtotal</b>	<b>1107.75</b>	<b>1155</b>	<b>1182.75</b>
Rank	3	2	1
DVBE Participation	No (0%)	Yes (5%)	Yes (2%)
Incentive Points Applied	None	60	24
<b>Adjusted Points</b>	<b>1107.75</b>	<b>1215</b>	<b>1206.75</b>
New Rank	3	1	2

4. Order of Evaluation

- a) Small Business Preference is calculated by multiplying the highest total points achieved by 5% and adding the resulting calculation to the total points of the Small Business firm. In this sample the calculation was based on 1155 points x .05 resulting in 57.75 additional points added to the certified Small Businesses (A and C).
- b) DVBE Incentive Points are factored by multiplying the DVBE participation (%) identified by the total possible points that could be awarded (1200). This

amount is then added to the firm's total points. In the sample above, Firm B had 60 additional points added (.05% x 1200 total points available) to their total points placing them first for award. Firm C received 24 Incentive points, but this was not enough to place them first for award.

- c) Under the High Score Method, it is possible to displace a high point Certified Small Business with the Application of the DVBE Incentive.

## 8. TAX DELINQUENT STATUS VERIFICATION

- a. Effective July 1, 2012 [Public Contract Code 10295.4](#), requires state agencies to verify the tax delinquent status of bidders responding to state solicitations.
- b. At the time of bid evaluation, prior to contract award and execution, the State will verify all proposing firms and identified subcontractors as not listed as tax delinquent by the Franchise Tax Board and the California Department of Tax and Fee Administration. Any proposing firms or subcontractor listed as tax delinquent shall result in a proposal rejection and will not be considered for contract award. Proposing firms wanting further clarification can refer to the statute above or to the web sites listed below for additional information.

California Department of Tax and Fee Administration – Top 500 Sales Tax and Use Delinquencies in California  
<https://www.cdtfa.ca.gov/taxes-and-fees/top500.htm>

Franchise Tax Board – Top 500 Delinquent Tax Payers  
<https://www.ftb.ca.gov/about-ftb/newsroom/top-500-past-due-balances/index.html>

## 9. NOTICE OF INTENT TO AWARD AND PROTEST

- a. A Notice of Intent to Award will be posted at the Department of Water Resources address for five (5) business days.
- b. Public inspection of all proposals and score sheets will be allowed after the Notice of Intent to Award has been posted.
- c. Contracts shall be awarded only after a Notice of Intent to Award has been posted in a place accessible by the general public, including any internet site identified in this RFP, for five (5) business days.
- d. Prior to the award, a proposing firm who claims he/she would have been eligible for the award of the contract, may protest the proposed award if DWR had scored his or her proposal correctly or if DWR had correctly followed the procedures specified in the Public Contract Code.
- e. A protestant must meet the burden of proof that DWR has committed a material error in the conduct of the proposal award process.
- f. Within five business days of filing the protest, the protestant must submit a detailed written statement of protest if the original protest did not contain the complete grounds for the protest.
- g. Both the original protest and/or the detailed statement of protest, if any, must include the RFP number, the name of the State Agency involved, agency contact person, and protestant's fax number, if any.

- h. The protest documents may be sent by regular mail, fax, courier, or personal delivery to:

Department of General Services  
Office of Legal Services  
Attention: Protest Coordinator  
707 Third Street, 7<sup>th</sup> Floor  
West Sacramento, California 95605  
OR  
Fax: (916) 376-5088

**AND**

Department of Water Resources  
Contract Services Office  
Attention: Nicole Anderson  
1416 Ninth Street, Room 353  
Sacramento, California 95814  
OR  
Fax: (916) 654-6511

Upon receipt of the protest, Department of General Services (DGS) shall send the protestant an acknowledgement letter and thereafter communicate with the parties regarding further disposition of the protest.

**10. DISPOSITION OF PROPOSALS**

Upon proposal opening, all documents submitted in response to this RFP will become the property of the State of California and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and are subject to review by the public. The State cannot prevent the disclosure of public documents. However, the contents of all proposals, draft proposals, correspondence, agenda, memoranda, working papers, or any other medium that discloses any aspect of a proposing firm's proposal, shall be held in the strictest confidence until the Notice of Intent to Award is posted. Proposals may be returned at the request and expense of the proposing firm.

**D. Standard Conditions of Service**

1. Service(s) shall not commence until the Agreement is fully executed and all approvals have been obtained.
2. All performance under the Agreement shall be completed on or before the termination date of the Agreement unless this Agreement is amended to extend the term.
3. No oral understanding or agreement shall be binding on either party.

**E. Payee Data Record**

1. The Contractor awarded this Agreement must have completed and submitted form STD 204, Payee Data Record, to determine if the Contractor is subject to a seven percent State Income Tax withholding pursuant to California Revenue and Taxation Code Sections 18662, 18805, and 26131.



2. No payment shall be made unless the Payee Data Record form has been completed and returned to DWR.

**F. Key Employee Policies and Guidelines Notice Acknowledgment (Consultants and Contactors)**

1. The selected contractor awarded this Agreement must complete and submit the form DWR 9524a, Key Employee Policies and Guidelines Notice Acknowledgment, These policies and guidelines communicate expectations for contractors. Every contractor or subcontractors employee is expected to read and understand the material contained within. Primary contractor/subcontractors are responsible to ensure that their employees are aware of and adhere to the policies and guidelines.

**G. Economic Incentive Program**

Proposing firms may be eligible for additional preferences when their place of business is located within certain economic regions and when they hire persons living and working within those economic regions. Please access the following links to read information about this economic incentive program.

**TACPA CONTRACT PREFERENCE**

This solicitation contains Target Area Contract Preference Act (TACPA) preference request forms. Please carefully review the forms and requirements. Bidders are not required to apply for these preferences. Denial of the TACPA preference request is not a basis for rejection of the bid.

The State as part of its evaluation process reserves the right to verify, validate, and clarify all information contained in the bid. This may include, but is not limited to, information from bidders, manufacturers, subcontractors and any other sources available at the time of the bid evaluation. Bidder refusal to agree to and/or comply with these terms, or failure to provide additional supporting information at the State's request may result in denial of preference requested.

Contracts awarded with applied preferences will be monitored throughout the life of the contract for compliance with statutory, regulatory, and contractual requirements. The State will take appropriate corrective action and apply sanctions as necessary to enforce preference programs.

- TACPA Preference Request (STD 830):  
<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std830.pdf>
- Bidder's Summary of Contract Activities and Labor Hours:  
<http://www.documents.dgs.ca.gov/pd/edip/bidsum526.pdf>
- Manufacturer's Summary of Contract Activities and Labor Hours:  
<http://www.documents.dgs.ca.gov/pd/dispute/mfgsum525.pdf>

Any questions regarding the TACPA preference should be directed to the Department of General Services, Procurement Division at (916) 375-4609.

**H. Small Business Program**

1. The Small Business Procurement and Contract Act (Gov. Code Section 14835 et. seq.) requires that a fair share of the State's purchases and contracts for goods, information technology

services and construction be placed with a certified small business or micro-business. The Act mandates that state agencies:

- a. Establish participation goals,
- b. Provide a 5% small business calculation preference, and
- c. Provide the opportunity for proposing firms to receive a 5% non-small business calculation preference when achieving 25% small business participation through subcontracted efforts.

## 2. SMALL BUSINESS PREFERENCE

The Small Business preference provides certified small businesses and micro-businesses a calculation preference in the amount of five percent (5%) of the highest scored responsible and responsive proposal submitted by a proposing firm who is not a certified small business. The small business preference is used as a calculation for determining the highest score and does not affect the actual price proposed.

The awarding department grants a certified small business a five percent (5%) Small Business preference on a proposal evaluation when a responsible non-small business has submitted the highest scored, responsive proposal pursuant to the evaluation solicitation method identified in a the proposal and the certified small business:

- a. Includes in its bid a notification to the awarding department that it is a small business or that it has submitted to the DGS OSDS a complete application no later than 5:00 p.m. on the bid due date, and is subsequently certified by the Department of General Services as a small business; and
- b. Submits a timely, responsive bid; and
- c. Has been determined to be a responsible bidder.

Firms having pending Small Business or DVBE Certification applications under review by the Department of General Services concurrent with the proposal time frame should contact DGS/OSDS to request an expedite review/approval of their application in order to be considered for the small business preference during the evaluation of this proposal. Contact DGS/OSDS at (916) 375-4940 to obtain information about the application expedite process.

Firms must notify the Department in writing at the time of the proposal submission that they have an application for Small Business or DVBE certification under review at the DGS Office of Small and Disabled Veteran Business Certification, and that they wish to be considered for the Small Business Preference Calculation.

## 3. NON-SMALL BUSINESS PREFERENCE

The non-small business preference calculation may be applied when:

- a. A responsible non-small business has agreed to subcontract a minimum of 25% of the net price proposed with a certified Small Business,
- b. The non-small business firm is not the highest scored firm, and
- c. The firm has submitted a responsive proposal.

Non-small business firms will be granted a five percent (5%) non-small business preference on a proposal evaluation by the awarding department if a responsible non-small business has been ranked as the highest scored proposal pursuant to the evaluation of the solicitation under the following conditions:

- a. The firm has included in its bid a notification to the awarding department that it commits to subcontract at least twenty-five percent (25%) of its net bid price with one or more OSDS certified small business(s) and
- b. The firm has submitted a timely, responsive bid; and
- c. The firm is determined to be a responsible bidder; and
- d. The firm identifies OSDS certified small business(s) it commits to subcontract with. The bidder shall list certified SB subcontractors and include their name, address, phone number, a description of the work to be performed, and the percentage (as specified in the solicitation) per subcontractor.

#### 4. NON-SMALL BUSINESS PREFERENCE CALCULATION

The Non-small business calculation preference five percent (5%) is used for bid evaluation purposes when there is at least one competing non-small business subcontracting at least twenty-five percent of its net price proposed to one or more certified small businesses, and award of the contract is made on the basis of the highest scored responsive, responsible bidder. The preference shall be computed as follows:

Firm A - High Score:	1250 Points – Not a certified small business firm
Firm B - Non-SB Proposal:	1195 Points – Prime firm includes 25% to certified SB subcontractor participation

Preference Calculation:  $1250 \times .05 (5\%) = 62.50$

Firm B Non-SB Bidder Bid:	1195.00
Calculated preference	<u>+62.50</u>
	1257.50 points

Award is made to Firm B as the highest scored firm with 1257.50 points.

#### 5. TIES BETWEEN CERTIFIED SMALL BUSINESSES AND DVBE BUSINESSES

In the event of a precise tie between the proposal score of a small business and the proposal score of a disabled veteran enterprise, the award shall go to the disabled veteran that is also a small business.

#### 6. MAXIMUM ALLOWABLE PREFERENCES

In no event shall the amount of the small business or non-small business subcontractor preferences awarded on a single proposal exceed \$50,000, and in no event shall the combined cost of the small business or non-small business subcontractor preference and preferences awarded pursuant to any other provision of law exceed \$100,000. The five percent (5%) calculation preference is used for computation purposes only and does not alter or affect the actual proposal price or the amount of the executed contract. When a certified small business is responsive, responsible, and the highest scored firm, there is no need to compute the small business preference as the small business is already the highest scoring firm.

#### 7. COMMERCIALY USEFUL FUNCTION (*Government Code 14837*)

A certified small business, micro-business contractor, subcontractor or supplier, must meet commercially useful function requirements under Government Code section 14837(d) (4). Selected firms must perform a “commercially useful function” relevant to this contract.

The term “small business contractor, subcontractor or supplier” means any person or entity that satisfies the ownership (or management) and control requirements in accordance with Government Code Section 14847 (d) (4) and provides services or goods that contribute to the fulfillment of the contract requirements by performing a commercially useful function. A person or an entity is deemed to perform a “commercially useful function” if that person or entity does **all** of the following:

1. Is responsible for the execution of a distinct element of the work of the contract.
2. Carries out contractual obligations by actually performing, managing, or supervising the work involved.
3. Performs work that is normal for its business services and functions.
4. Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.
5. Is responsible, with respect to produces, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, and, if applicable, making payment
6. Its role is not an extra participant in the transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE participation.

#### 8. SMALL BUSINESS - DVBE PROPOSING FIRM CUF REQUIREMENTS

The Department will determine, to the best of its ability, that your firm meets the criteria above for “commercially useful function”. In responding to this solicitation, you are confirming that, under Government Code 14837 Section 1, (d) (4) above, your business provides goods and/or services meet the definition of “commercially useful function”. In responding to this solicitation, you are confirming that, under CCR 1896.1 above, your business provides goods and/or services meet the definition of “commercially useful function”. All proposing firms are required to provide CUF documentation using the attached State’s Proposing firm Declaration Form GSPD-05-105, Attachment VII, included in the solicitation document. When completing the declaration, proposing firms must identify all subcontractors proposed for participation in the contract. Any proposing firm awarded a contract is contractually obligated to use the subcontractor for the corresponding work defined unless the State agrees to a substitution.

#### 9. PENDING SMALL BUSINESS CERTIFICATION

If your firm is seeking small business certification in order to be considered for small business preference related to this solicitation, you must have: 1) notified DGS, Office of Small Business and DVBE Services (OSDS) that you are responding to a solicitation and are seeking an Expedite Review of your small business certification application in response to the solicitation, 2) provided DGS OSDS with the proposal Key Action Dates page from the RFP itself and 3) must have submitted a complete application with all required forms and documentation to OSDS for review and approval by close of business on the Proposal Submittal due date.

Notify the Department if, at the time of proposal submission, your firm has a pending small business application with the Department of General Services, OSDS. The Department will verify your certification is pending or has been approved.

### Non-Small Business Preference Request Form

In accordance with The Small Business Procurement and Contract Act (Gov. Code Section 14835 et. seq.), you have selected, and mutually agreed, to partner with a certified Small Business sub-contractor to provide commodities or services related to the performance of the requested services identified in this RFP Solicitation. With the submission of the Non-Small Business Preference Request Form, you are requesting the non-small business calculation be applied to your proposal during proposal evaluation when applicable. The NSB calculation is for evaluation purposes only. Awards made as a result of the NSB calculation will be at the proposing firm's original proposal prices.

The Department of Water Resources has identified a Small Business participation level of 25% for this contract effort. As the Prime Contractor, you agree to sub-contract 25% as indicated in Section A below. The calculation preference given will not exceed 5%, with a maximum preference of \$50,000.

*This form must be signed by individual entities with legally binding authority to do so.*

#### SECTION I

#### PART A - NON-SMALL BUSINESS INFORMATION

##### Proposing Firm Instructions

- ✓ Complete Section I, Part A, Certified Non-Small Business Bidder Information
- ✓ Identify the response deadline date in Section II
- ✓ Fax or Mail this form to the Certified Small Business to have Section II completed and returned
- ✓ You must include the completed Non-Small Business Certification Information Sheet and a copy of the Small Business's DGS OSDS Certification Letter with your proposal submittal.

<b>Company Name:</b>		<b>FEIN#</b>	
<b>Street Address:</b>			
<b>City</b>	<b>State</b>	<b>Zip Code</b>	
<b>Telephone Number:</b>		<b>Fax #:</b>	

#### PART B – Services/Commodities to Be Provided by the Small Business Partner:

**PART C** - As the Non-Small Proposing firm I agree to subcontract twenty-five percent (25%) to the Certified Small Business Contractor identified in Section II.

\_\_\_\_\_  
Authorized Non Small Business Name (Printed)

\_\_\_\_\_  
Authorized Non Small Business Signature

#### SECTION II –CERTIFIED SMALL BUSINESS INFORMATION

**PART A** - Certified Small Business Contractor; please complete the information below and return this form to the Non-Small Proposing firm by: \_\_\_\_/\_\_\_\_/\_\_\_\_. You **must** include a copy of your DGS OSDS certification with your response.

<b>Company Name:</b>		<b>FEIN#</b>	
<b>Street Address:</b>			
<b>City</b>	<b>State</b>	<b>Zip Code</b>	
<b>Telephone Number:</b>		<b>Fax #:</b>	
<b>OSDS Certification No.:</b>	<b>Certification Expiration Date:</b>	____/____/____	

**PART B** - I understand the above Non-Small Proposing firm is responding to the Department of Water Resources Solicitation No. \_\_\_\_\_. I agree to provide subcontractor services to the Non-Small Proposing firm as identified in **Section A**.

\_\_\_\_\_  
Authorized Certified SB Name (Printed)

\_\_\_\_\_  
Authorized Certified SB Contractor Signature

## **NON-SMALL BUSINESS PREFERENCE REQUEST INSTRUCTIONS**

The Department of Water Resources encourages Non-Small Business firms to take advantage of the opportunity offered for a preference calculation by partnering with a California Certified Small Business. In doing so, the resulting preference calculation applied may result in the award of the proposal when all other technical specifications and proposal requirements are met. Application of the NSB preference cannot be used to displace an already certified small business.

If you elect to partner with a small business, the Non-Small Business Preference Request Form must be completed in its entirety and included with your proposal submission.

### **RESOURCES**

1. Determine the type of service or services to be subcontracted.
2. If you do not already know of a contractor, or contractors, contact the DGS Office of Small Business and DVBE Services (OSDS) website to conduct a search of certified firms. A listing of the State's certified small business firms may be found at:

<https://caleprocure.ca.gov/pages/sbdvbe-index.aspx>

3. Select and contact the certified Small Business firm, or firms you've identified to discuss partnering opportunities.
4. Contact the DWR Small Business program manager if you need assistance locating certified small businesses if you need assistance. The manager can be reached at (916) 653-9813.

### **COMPLETING THE FORM**

When an agreement to partner is reached, the Non-Small Business Preference Request Form must be completed and signed by both parties.

1. Section I, Part A - Complete the Non-Small Proposing firm (your firm) business information.
2. Section I, Part B – Identify the services to be performed by the certified small business.
3. Section I, Part C – Identify the small business participation commitment level. You *must* include the participation percentage information. If no or less than 25 percent commitment level is indicated, the preference calculation will *not* be applied when DWR evaluates the proposals.
4. \* *Print and sign* Section I, Part C (must be signed by individual authorized to do so) *before* sending it to the small business firm for their information.
5. Section II, Part A – Identify the Small Business response needed date.
6. Fax the form to the Small Business contractor to be completed and signed. Include instructions for SB firm to provide their small business certification. Certification must be current at the time of proposal due date.
7. Review the form for completeness. Be sure it includes all the required information.
8. Include the Non-Small Business Preference Calculation Request Form and the DGS Small Business Certification letter with your proposal response to DWR.

*\* This assures that both the Non-Small business firm and the Small Business will have a signed copy of the form.*

## I. Disabled Veteran Business Enterprise Program

This solicitation includes DVBE program requirements. Please refer to DWR Form 9526, Attachment IV for instructions about program documentation and compliance.

### 1. DWR PROGRAM MANAGER PRE-REVIEW OF DVBE DOCUMENTATION

The Department's DVBE Program Manager, offers a pre-review of a proposing firm's DVBE documentation prior to proposal submission. Since non-compliance with the DVBE program is immediate cause for rejection, DWR strongly recommends firms take advantage of this opportunity to ensure they are fully compliant with DVBE Program requirements.

Upon satisfactory review of the firm's DVBE documentation, the DWR Program Manager issues a Notification of Compliance. To request a pre-review of your DVBE documentation, please fax the documentation to the attention of:

Richard Zmuda, DVBE Program Manager  
Fax: (916) 654-6511  
Voice: (916) 653-9813  
Email: [SB.DVBE@water.ca.gov](mailto:SB.DVBE@water.ca.gov)

### 2. DVBE INCENTIVE PROGRAM FOR RFP SECONDARY

Under California Code of Regulations 1896.99.100, the California DVBE Incentive provides responsive and responsible firms the opportunity to receive additional incentive calculations. The incentive is applied at the time of solicitation evaluation when a proposing firm selects a California-certified DVBE subcontractor to provide services or commodities in support of the overall contract effort. Application of the DVBE Incentive may place the proposing firm in line for contract award.

The following are key elements of the DVBE Incentive Program:

- a. The DVBE Incentive is applied during the evaluation process and is only applied to responsive proposals from responsible firms proposing the percentage(s) of DVBE participation for the incentive(s) specified in the solicitation.
- b. DVBE Incentive participation is optional and at the discretion of the proposing firm.
- c. When requesting the Incentive application, bidding firms must complete and return the DWR 9566 California DVBE Incentive included within this solicitation with their proposal at time of submission.
- d. The Incentive is calculated by multiplying the solicitation's total points possible by the level of DVBE participation (%) identified by the responding firm. This amount is then added to the firm's total points to determine if they have the high score. Computation is for evaluation purposes only and cannot be used to achieve any applicable minimum point requirements. (CCR 1896.99.100 (d))
- e. Services or commodities provided by the DVBE firm MUST meet the definition of a "Commercially Useful Function" as defined under Government Codes: 14837; 14838.6; 14839; 14842; 14842.5 and Military and Veterans Code 999 and 999.6. A DVBE firm not meeting CUF regulations will render the responding firm ineligible for the DVBE Incentive application.

### 3. DVBE INCENTIVE OPTION VS. DVBE PROGRAM REQUIREMENTS

- a. A Department may formally exempt a solicitation from California DVBE Program requirements, but still be required to include the DVBE Incentive when a Department has not met DVBE program goals three of the previous two fiscal years. Proposing firms should review the RFP closely to determine if the California DVBE Program requirement is included in the solicitation language.

- b. California DVBE Program requirements, when included in a solicitation, are not optional and must be met by the proposing firm.

4. DVBE INCENTIVE APPLICATION BASED ON RFP SECONDARY HIGH SCORE METHOD

Because this solicitation is being conducted as a Request for Proposal (RFP), the DVBE Incentive application will be based on the High Score method and follows the guidelines identified below:

- a. Application of the Incentive is based on the High Score Method. The Incentives shall not exceed 5 percent, nor be less than 1 percent of the total possible available points, not including points for socioeconomic incentives or preferences. (CCR 1896.99.120 (b))
- b. Incentive points are included in the sum of non-cost points.
- c. Incentive points cannot be used to achieve any applicable minimum point requirements
- d. Incentive points may be a “desirable” administrative requirement that awards points based on amounts of participation.

**Please see Section C. Proposal Requirements and Information, item 6 Evaluation Process for additional instructions and examples regarding application of the DVBE Incentive High Score Method.**



## PROPOSAL CHECKLIST

Please review the following checklist for a list of documents that must be returned with your proposal package. Please read the State of California's General Terms and Conditions before signing and submitting your proposal package. The State does not accept alternate language from a proposing firm. A proposal with such language will be considered a counter proposal and will be rejected. The State's General Terms and Conditions (GTC) are not negotiable. Unless otherwise noted, failure to include the required documents will be cause for proposal rejection.

### DOCUMENTS REQUIRED WITH SUBMISSION OF PROPOSAL

- Attachment I - Bid Sheet (*must be signed and include all pages*)
- Attachment II – Proposal/Proposing Firm Certification Sheet
- Attachment III – Proposing Firm References
- Attachment IV – Darfur Contracting Act Certification
- Attachment VIII – California Civil Rights Laws Attachment
- Attachment IX – Iran Contracting Act
- Resumes for all personnel
- Proof of years experience as identified in Minimum Qualifications for Project Manager
- References as identified in Minimum Qualifications

#### **SMALL BUSINESS PROGRAM**

- Small Business Certification from Office of Small Business and DVBE Services(OSDS) when prime firm is SB or MB certified
- Non-Small Business Calculation Preference Request Form (*required when the prime is requesting Non-Small Business preference consideration*)
- Current Small Business Certification for proposed SB subcontractor (*must accompany a bidder's Non-Small Business Preference request*)

#### **DVBE PARTICIPATION PROGRAM**

- Attachment V, Bidder Certification of DVBE Participation (DWR 9526)
- DVBE firm certification from Office of Small Business and DVBE Services(OSDS) when prime firm is DVBE certified)
- Attachment VI, DVBE Declaration (Std. 843)
- Attachment VII, Bidder Declaration (GSPD-05-105)
- Current DVBE Subcontractor Firm Certification from DGS OSDS
- DVBE Program Manager's Notification of Compliance (*if obtained in advance from the DVBE Program Manager*)

#### **ADDITIONAL STATE MANDATED PREFERENCE PROGRAMS**

Required only when the bidding firm claims following:

- Target Area Contract Preference Act (TACPA) (Std. 830)

### DOCUMENTS REQUIRED UPON CONTRACTOR SELECTION

*These documents are not required at the time of bid submittal; however these documents will be required of the awarded firm upon contractor selection/bid award.*

- Contractor Certification Clauses (CCC) (*CCC must be submitted once a contractor is selected.*)
- Payee Data Record (Std. 204)
- Certificate(s) of Insurance
- Key employee Policies and Guidelines Notice Acknowledgment (Consultants and Contractors) (DWR 9524a)

**ATTACHMENT I  
COST PROPOSAL WORKSHEET**

The estimated hours indicated below will be used solely for computing the cost as a fair and equitable formula to determine the low bidder and is not binding on the contracting agency. However, the actual costs quoted below by the bidder shall be binding for the term of the Agreement.

The proposing firm hereby agrees to provide all labor, materials, licenses, permits, and transportation necessary to perform all services required for the work in accordance with Exhibit A, Scope of Work. The rates listed on this Proposal Sheet shall include every item of expense, direct and indirect, including taxes incidental to the specified rates.

The proposing firm is required to submit a proposal for each item. Failure to indicate a dollar amount in any item will be grounds to reject the entire proposal. A zero dollar (\$0.00) amount listed for any and all items will be interpreted and understood by the State to mean that the proposing firm indicating a zero dollar amount shall perform any such services, up to and including the quantity indicated, at no cost to the state.

**Labor Costs**

Labor Classification	Number of Hours	Contractor Rate	Cost
Program Manager	200		\$
Panel Members	100		\$
Administrative Support	50		\$
<b>Labor Cost Subtotal</b>			\$

**Indirect Costs**

	Contractor Rate	Cost
Travel/ Per Diem		\$
Equipment/Supplies*		\$
Literature/Books		
Other Direct Costs*		\$
<b>Indirect Costs Subtotal</b>		\$

(\* ) must be itemized

**(Labor costs subtotal) + (Indirect Costs Subtotal) = \_\_\_\_\_ Total Bid**

**NO GUARANTEE OF WORK UNDER THIS CONTRACT.**

In the event of computational error, unit prices will prevail over extended totals. DWR will check proposal calculations and recalculate proposal totals.

I certify under penalty of perjury under the laws of the state of California, the foregoing is true and correct.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Printed Name and Title of Bidder

\_\_\_\_\_  
Signature of Bidder

\_\_\_\_\_  
Date

**ATTACHMENT II  
PROPOSAL/PROPOSING FIRM CERTIFICATION SHEET**

This Proposal/Proposing firm Certification Sheet must be signed and returned along with all the required attachments as an entire package in duplicate with **original signatures**. The proposal must be transmitted in a sealed envelope in accordance with RFP instructions.

**Do not return Proposal Requirements and Information or the Sample Agreement.**

1. Our all-inclusive proposal is submitted as detailed in Attachment I, Cost Proposal Worksheet.
2. All required attachments are included with this certification sheet.
3. The signature affixed hereon and dated certifies compliance with all the requirements of this proposal document. The signature below authorizes the verification of this certification. **An unsigned Proposal/Proposing Firm Certification Sheet will be cause for rejection.**

1. Company Name	2. Telephone Number (    )	2a. Fax Number (    )
3. Address		
Indicate your organization type: 4. <input type="checkbox"/> Sole Proprietorship             5. <input type="checkbox"/> Partnership             6. <input type="checkbox"/> Corporation		
Indicate the applicable employee and/or corporation number: 7. Federal Employee ID No. (FEIN)             8. California Corporation No.		
9. Indicate applicable license and/or certification information:		
10. Proposing firm's Name (Print)	11. Title	
12. <b>Signature</b>	13. Date	
14. Are you certified with the Department of General Services, Office of Small Business Certification and Resources (OSDS) as: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 45%;"> a. California Small Business  Yes <input type="checkbox"/> No <input type="checkbox"/>  If yes, enter certification number:  _____ </div> <div style="width: 45%;"> b. Disabled Veteran Business Enterprise  Yes <input type="checkbox"/> No <input type="checkbox"/>  If yes, enter your service code below:  _____ </div> </div> <p><b>NOTE:</b> A copy of your Certification is required to be included if either of the above items is checked <b>"Yes"</b>. Date application was submitted to OSDS, if an application is</p>		

**Completion Instructions for Proposal/Proposing firm Certification Sheet**

Complete the numbered items on the Proposal/Proposing firm Certification Sheet by following the instructions below.

Item Numbers	Instructions
1, 2, 2a, 3	Must be completed. These items are self-explanatory.
4	Check if your firm is a sole proprietorship. A sole proprietorship is a form of business in which one person owns all the assets of the business in contrast to a partnership and corporation. The sole proprietor is solely liable for all the debts of the business.
5	Check if your firm is a partnership. A partnership is a voluntary agreement between two or more competent persons to place their money, effects, labor, and skill, or some or all of them in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them. An association of two or more persons to carry on, as co-owners, a business for profit.
6	Check if your firm is a corporation. A corporation is an artificial person or legal entity created by or under the authority of the laws of a state or nation, composed, in some rare instances, of a single person and his successors, being the incumbents of a particular office, but ordinarily consisting of an association of numerous individuals.
7	Enter your federal employee tax identification number.
8	Enter your corporation number assigned by the California Secretary of State's Office. This information is used for checking if a corporation is in good standing and qualified to conduct business in California.
9	Complete, if applicable, by indicating the type of license and/or certification that your firm possesses and that is required for the type of services being procured.
10, 11, 12, 13	Must be completed. These items are self-explanatory.
14	If certified as a California Small Business, place a check in the "Yes" box, and enter your certification number on the line. If certified as a Disabled Veterans Business Enterprise, place a check in the "Yes" box and enter your service code on the line. If you are not certified to one or both, place a check in the "No" box. If your certification is pending, enter the date your application was submitted to OSD.

**ATTACHMENT III  
PROPOSING FIRM REFERENCES**

List below three references for services performed within the last five years, which are similar to the scope of work to be performed under this contract.

<b>REFERENCE 1</b>			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number ( )	
Dates of Service			
Brief Description of Service Provided:			
<b>REFERENCE 2</b>			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number ( )	
Dates of Service			
Brief Description of Service Provided:			
<b>REFERENCE 3</b>			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number ( )	
Dates of Service			
Brief Description of Service Provided:			

Please provide a statement of explanation if no references are available:

**ATTACHMENT IV  
DARFUR CONTRACTING ACT CERTIFICATION**

Pursuant to Public Contract Code section 10478, if a bidder or proposer currently or within the previous three years has had business activities or other operations outside of the United States, it must certify that it is not a “scrutinized” company as defined in Public Contract Code section 10476.

Therefore, to be eligible to submit a bid or proposal, please complete only one of the following three paragraphs (via initials for Paragraph # 1 or Paragraph # 2, or via initials and certification for Paragraph # 3):

1.        \_\_\_\_\_  
              Initials                We do not currently have, or we have not had within the previous three years, business activities or other operations outside of the United States.

**OR**

2.        \_\_\_\_\_  
              Initials                We are a scrutinized company as defined in Public Contract Code section 10476, but we have received written permission from the Department of General Services (DGS) to submit a bid or proposal pursuant to Public Contract Code section 10477(b). A copy of the written permission from DGS is included with our bid or proposal.

**OR**

3.        \_\_\_\_\_  
              Initials  
              + certification                We currently have, or we have had within the previous three years, business activities or other operations outside of the United States, but we certify below that we are not a scrutinized company below as defined in Public Contract Code section 10476.

**CERTIFICATION For # 3.**

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective proposer/bidder to the clause listed above in # 3. This certification is made under the laws of the State of California.

<i>Proposer/Bidder Firm Name (Printed)</i>		<i>Federal ID Number</i>
<i>By (Authorized Signature)</i>		
<i>Printed Name and Title of Person Signing</i>		
<i>Date Executed</i>	<i>Executed in the County and State of</i>	

**YOUR BID OR PROPOSAL WILL BE DISQUALIFIED UNLESS YOUR BID OR PROPOSAL INCLUDES THIS FORM WITH EITHER PARAGRAPH # 1 OR # 2 INITIALED OR PARAGRAPH # 3 INITIALED AND CERTIFIED.**

**CALIFORNIA DISABLED VETERAN BUSINESS ENTERPRISE  
PROGRAM REQUIREMENTS  
DWR 9526, ATTACHMENT V  
(FOR NON-IT SERVICES)**

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**BIDDER IS ADVISED TO READ THE REQUIREMENTS AND INSTRUCTIONS CAREFULLY BEFORE BEGINNING**

**AUTHORITY:** The Disabled Veteran Business Enterprise Goal Program is established in Public Contract Code (PCC) Section 10115 et seq., Military and Veterans Code (MVC) 999 et seq. and California Code of Regulations (CCR) Title 2, Section 1896.6 et seq.

**Unless specified otherwise in this solicitation the minimum DVBE participation percentage goal is three (3) percent.** A DVBE Incentive may be given to bidders who provide DVBE participation unless stated elsewhere in the solicitation the Incentive has been waived.

**INTRODUCTION**

The bidder must comply fully with DVBE Program requirements to be considered responsive to requirements of this solicitation. Failure to submit a complete response may result in a non-responsive determination, in which case, the firm will have their bid rejected and will be ineligible for award. The bidder must complete the identified forms contained within this solicitation to satisfy the program requirements. Bids or proposals (hereafter referred to as "bid" or "bids") that fail to submit all the required forms will be deemed non-responsive and will be rejected. DWR may request a bidder to correct/clarify DVBE documents that are deemed to have administrative or clerical error(s). DVBE program administrative/clerical errors are minor non-substantive errors and do not impact the bid outcome. Prior to correction of any administrative/clerical error(s), DWR will first verify the bidder has complied with DVBE program requirements.

All bid submissions in response to the solicitation's DVBE program requirements will be verified by the Department. If, during the verification process, evidence of an alleged violation is found, the State shall initiate an investigation in accordance with the requirements of PCC 10115 et seq., and MVC 999 et seq. and follow investigatory procedures by the CCR 1896.80. Contractors found to be in violation of certain provisions may be subject to loss of certification, penalties and/or contract termination.

Only firms certified by the State of California, Office of Small Business and DVBE Services (OSDS) may be used to satisfy the DVBE program requirement.

**PROGRAM DEFINITIONS**

**COMMERCIALLY USEFUL FUNCTION (California Code of Regulations, Title 2, Section 1896.71 (I))**

DVBE firms must perform a "commercially useful function" relevant to this contract. The term "DVBE contractor, subcontractor or supplier" means any person or entity that satisfies the ownership (or management) and control requirements of CCR 1896.61 (f); is certified in accordance with CCR 1896.70 and provides services or goods that contribute to the fulfillment of the contract requirements by performing a commercially useful function. As defined in MVC 999, a person or an entity is deemed to perform a "commercially useful function" if a person or entity does **all** of the following:

1. Is responsible for the execution of a distinct element of the work of the contract
2. Carries out the obligation by actually performing, managing, or supervising the work involved
3. Performs work that is normal for its business services and functions
4. Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices
5. Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment; and
6. Its role is not an extra participant in the transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE participation.

**DISABLED VETERAN**

A disabled veteran, for purposes of DVBE certification eligibility, is defined as a veteran of the military, naval or air services of the United States, with at least a 10 percent service-connected disability and who is a resident of the State of California.

**DISABLED VETERAN BUSINESS ENTERPRISE (DVBE)**

DVBE is a business enterprise certified by the Office of Small Business and DVBE Services (OSDS) as meeting all of the following criteria:

- Sole proprietorship owned by a disabled veteran; or a firm or partnership, 51 percent of the stock or partnership interests of which are owned by one or more disabled veterans
- Managed by and with the daily business operations controlled by one or more disabled veterans
- Sole proprietorship, corporation or partnership with its home office located in the United States which is not a branch or subsidiary of a foreign corporation, firm or other business

#### DVBE INCENTIVE

An incentive offered to firms utilizing DVBE firms in their contract efforts. The incentive applied will be equal to the DVBE commitment level identified solicitation response. For contracts that include a minimum participation level of three percent, lowest level of incentive applied shall be three percent. For contracts exempt from DVBE, but include the option of DVBE participation, the incentive shall begin at 1 percent and shall not be higher than five (5) percent. Application of the incentive may result in the award of a contract to a bidder using DVBE subcontractors. Use of the incentive cannot be used to replace a certified small business's low bid with that of a non-small business.

#### DVBE PROGRAM COMPLIANCE OPTIONS

**Bidders responding to this solicitation must complete and fully document compliance with the following:**

##### MEETING DVBE REQUIREMENTS

DVBE participation can be achieved by a certified DVBE firm bidding as a prime or when a non-DVBE firm identifies and makes a commitment to use identified and certified DVBE(s) to fulfill the solicitation's stated DVBE participation goal.

A bidder commits to meet or exceed the minimum DVBE participation requirement of three (3) percent, or as otherwise specified in the solicitation. Bidder uses Option 1 – Bidder is a Certified DVBE, or Option 2 Non-DVBE Bidder. **Failure to complete and submit the required forms as instructed will render the bid non-responsive and ineligible for award.**

##### **OPTION 1 – BIDDER IS CERTIFIED DVBE**

1. Bidder commits to performing at least three (3) percent of the contract amount (unless specified otherwise) with the prime bidder's firm or in combination with other DVBE firms.
2. Bidder must document DVBE participation using the DWR 9526, Attachment 2.
3. Bidder shall submit proof of its commitment by submitting written confirmation and acceptance from the identified DVBE subcontractor using forms contained within DWR 9526, Attachment 2.
4. Provide evidence of DVBE certification – obtained through the Office of Small Business and DVBE Services (OSDS).

##### **OPTION 2 – NON-DVBE BIDDER**

1. Commit to using a certified DVBE firm for at least three (3) percent (unless specified otherwise) of the bid amount.
2. Bidder must document DVBE participation using the DWR 9526, Attachment 2.
3. Bidder shall submit proof of its commitment by submitting written confirmation and acceptance from the identified DVBE subcontractor using forms contained within DWR 9526, Attachment 2.
4. Provide evidence of DVBE certification – obtained through the Office of Small Business and DVBE Services (OSDS).

#### DWR EXHIBIT E ADDITIONAL PROVISIONS - DVBE LANGUAGE

DWR Exhibit E "Additional Provisions" contains additional clauses related to the DVBE program and is relevant to the bidder because language contained in Exhibit E defines contract and contractor obligations related to the DVBE program that will be part in the final contract. Bidder is advised to carefully review Exhibit E, Additional Provisions to understand relevant obligations pertaining to the DVBE program:

##### Contract Amendments – DVBE Program Requirements

The clause explains the requirements and obligations of the contractor and the DVBE program related to subsequent contract amendments

##### Contract Audits

The clause explains the requirements and obligations of the contractor related to the review or copying of all records pertaining to the performance of its contract as pertains to the DVBE program

##### Contractor SB/DVBE Subcontractor Payment Certification

The clause explains the requirement made of the contractor to submit Small Business and DVBE Payment Certification, [DWR Form 9683](#), to the Department within 60 days of contract expiration.

##### DVBE Quarterly Reports

The clause explains the requirements and obligations of the contractor related to reporting DVBE activity using the DVBE Activity Report, [DWR Form 9553](#), to identify and report the activity or non-activity within the quarterly period reported.



Substitution of DVBE Firms

The clause explains the requirements, under Military and Veterans Code 999.10, as to when the contractor, subject to the approval of DGS Office of Small Business and DVBE Services, may replace a DVBE firm identified in its bid or offer with that of another DVBE firm.

**DVBE INCENTIVE**

In accordance with Section 999.5(a) of Military and Veterans Code an incentive will be applied to bidders who commit to DVBE participation unless stated elsewhere in the solicitation that the DVBE Incentive has been waived. For evaluation purposes only, the State shall apply an incentive to bids proposing California certified DVBE participation identified on DWR Form 9526 page 6, Attachment 1, Bidder Certification DVBE Participation. Participation commitment will be confirmed by the State. The incentive amount for awards based on low price will vary in conjunction with the proposed DVBE participation. Unless a table that replaces the following has been expressly established elsewhere within the solicitation, the following percentages will apply for awards based on low price:

Confirmed DVBE Participation	DVBE Incentive
3.0 up to 3.99%	3%
4.0 up to 4.99%	4%
5% or Higher	5%

As applicable:

- Awards based on low price: the net bid price of responsive bids will be reduced (for evaluation purposes only) by the amount of the DVBE incentive as applied to the lowest responsive net bid. If the #1 ranked responsive, responsible bid is from a California certified Small Business, the only bidders eligible for the incentive will be California certified Small Businesses. The incentive adjustment for awards based on low price cannot exceed five (5) percent or \$100,000, whichever is less, of the #1 ranked net bid. When used in combination with a preference adjustment (SB/TACPA), the cumulative adjustment amount is not to exceed \$100,000.
- Awards based on highest score: the solicitation shall include an individual requirement that identifies incentive points for DVBE participation. For further information regarding the incentive-based-points application process, please review Item 7. Evaluation and Selection Process of this solicitation.

**DVBE PROGRAM COMPLIANCE NOTIFICATION**

Upon request, the department's Program manager will provide a pre-review of DVBE documentation for bidders to ensure they are DVBE program compliant. Bidders must submit their documents at least three (3) days prior to final bid submission. Upon verification of program compliance, the manager will issue a Notification of Compliance confirming the bidder has satisfied DVBE program requirements related to this solicitation. Bidders are advised to seek a pre-review of their documentation. Documents for review may be emailed to: [SB/DVBE@water.ca.gov](mailto:SB/DVBE@water.ca.gov)

**SUGGESTIONS FOR LOCATING DVBE FIRMS**

**Contact the Awarding Department**

- Contact the department's contracting official named in the solicitation document,
- Contact the DWR SB/DVBE Program Manager for suggested DVBE firms who may have identified themselves as potential subcontractors, or for a list of firms the department may have created in response to this solicitation.

**Other State and Local Organizations**

**STATE:** Access the list of certified DVBE firms by using the Department of General Services, Procurement Division (DGS-PD) online certified firm data base. Access the database at: [www.eprocure.dgs.ca.gov](http://www.eprocure.dgs.ca.gov) .

To begin your search:

- Click on "SB/DVBE Search". "Search by Keywords" OR "United Nations Standard Products and Services Codes (UNSPC) that apply to the elements you want to subcontract to a DVBE.
- Check for Subcontractor ads that may be placed on the California State Contracts Register for this solicitation prior to the closing date. Access CSCR at: [www.eprocure.dgs.ca.gov](http://www.eprocure.dgs.ca.gov)
- Contact OSDS at (916) 375-4940 for assistance, or email at: [OSDSHelp@dgs.ca.gov](mailto:OSDSHelp@dgs.ca.gov)

**LOCAL:** Contact local DVBE organizations to identify DVBEs. For a list of local organizations, go to [www.pd.dgs.ca.gov/smbus](http://www.pd.dgs.ca.gov/smbus) and select: DVBE Local Contacts.

**ADDITIONAL RESOURCES AND INFORMATION**

RESOURCE	FOR
Local Organizations: Go to <a href="http://www.pd.dgs.ca.gov/smbus">www.pd.dgs.ca.gov/smbus</a> and select: DVBE Local Contacts	List of potential DVBE subcontractors
California DVBE Alliance: <a href="http://www.cadvbe.org/contact_us.html">http://www.cadvbe.org/contact_us.html</a>	Contact for assistance locating DVBE firms
<p><b>DGS-PD EProcurement</b>            Website: <a href="http://www.eprocure.dgs.ca.gov">www.eprocure.dgs.ca.gov</a>            Phone: (916) 375-2000            Email: <a href="mailto:eprocure@dgs.ca.gov">eprocure@dgs.ca.gov</a></p>	<ul style="list-style-type: none"> <li>• SB/DVBE Search</li> <li>• CSCR Ads</li> <li>• Click "training tab" to access eProcurement Training Modules for Small Business (SB)/DVBE Search</li> </ul>
<p><b>DGS-PD Office of Small Business and DVBE Services (OSDS)</b>            707 Third Street, Room 1-400, West Sacramento, CA 95605            Website: <a href="http://www.pd.dgs.ca.gov/smbus">www.pd.dgs.ca.gov/smbus</a>            OSDS Receptionist, 8 am-5 pm: (916) 375-4940            PD Receptionist 8 am-5 pm: (800) 559-5529            Fax: (916) 375-4950            Email: <a href="mailto:osdchelp@dgs.ca.gov">osdchelp@dgs.ca.gov</a></p>	<ul style="list-style-type: none"> <li>• Directory of California-Certified DVBEs</li> <li>• Certification Applications</li> <li>• Certification Information</li> <li>• Certification Status, Concerns</li> <li>• General DVBE program information</li> <li>• DVBE Business Utilization Plan</li> <li>• Small Business/DVBE Advocates</li> </ul>
<p><b>Department of Water Resources</b>            Richard Zmuda, DM            Small Business DVBE Program Manager            1416 9<sup>th</sup> Street, Room 345-1            Sacramento, CA 95814            DWR SB/DVBE Website: <a href="http://www.water.ca.gov/sbe/index.cfm">http://www.water.ca.gov/sbe/index.cfm</a>            Direct Email: <a href="mailto:Richard.Zmuda@water.ca.gov">Richard.Zmuda@water.ca.gov</a>            Department Email: <a href="mailto:SB.DVBE@water.ca.gov">SB.DVBE@water.ca.gov</a>            Phone: (916) 653-9813 Fax: (916) 654-6511</p>	<p>Assistance locating DVBE firms related specifically to the advertised solicitation bidder is responding to.</p>

## ATTACHMENT 1 - DOCUMENTATION OF DVBE PROGRAM REQUIREMENTS

### BIDDER IS ADVISED TO READ INSTRUCTIONS CAREFULLY.

#### **COMMERCIALLY USEFUL FUNCTION (California Code of Regulations, Title 2, Section 1896.71 (I))**

DVBE firms must perform a "commercially useful function" relevant to this contract. The term "DVBE contractor, subcontractor or supplier" means any person or entity that satisfies the ownership (or management) and control requirements of CCR 1896.61 (f); is certified in accordance with CCR 1896.70 and provides services or goods that contribute to the fulfillment of the contract requirements by performing a commercially useful function. As defined in MVC 999, a person or an entity is deemed to perform a "commercially useful function" if a person or entity does **all** of the following:

1. Is responsible for the execution of a distinct element of the work of the contract,
2. Carries out the obligation by actually performing, managing, or supervising the work involved,
3. Performs work that is normal for its business services and functions,
4. Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices
5. Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment; and
6. Its role is not an extra participant in the transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE participation.

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**DVBE OPTION DESIGNATION** - Check the appropriate box to indicate the option you are choosing with which to meet your DVBE commitment. You are advised to read all instructions carefully prior to completing the forms.

- OPTION 1:** I am a certified DVBE firm bidding this solicitation as a prime firm and as such, my commitment is at least three (3) percent.
- OPTION 2:** I am not a certified bidder but I have committed to meeting DVBE participation of at least three (3) or more percent.

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#### **DOCUMENTING DVBE PROGRAM REQUIREMENTS**

Read document carefully. Failure to comply with DVBE program requirements may result in rejection of your bid.

#### **ATTACHMENT 1 - "DOCUMENTATION OF DVBE PROGRAM REQUIREMENTS"**

1. Be sure to make the proper determination that the selected DVBE firm meets California CUF requirements.
2. Under "DVBE OPTION DESIGNATION" select the option appropriate for your firm's commitment and complete Attachment 2, Bidder Certification of DVBE Participation.
  - a. For Option 1, complete Attachment 2, Sections 1 – 3 and include 9526, Attachments 1/ 2 and your DVBE certification with your bid response
  - b. For Option 2, see instructions below

#### **ATTACHMENT 2 - BIDDER CERTIFICATION OF DVBE PARTICIPATION**

Bidders are required to complete DWR 9526 - ATTACHMENT 2 – BIDDER CERTIFICATION OF DVBE PARTICIPATION to document their commitment to a DVBE firm or firms. A separate form is required for each DVBE commitment. Failure to submit a completed/signed form with your bid will result in a determination of noncompliance and your bid will be rejected.

- Section 1: Complete prime firm/bidder business information
- Section 2: Identify services or commodities to be provided by the DVBE subcontractor
- Section 3: Identify the commitment level your firm is making to the DVBE subcontractor; provide the printed and signed name of the legally authorized representative and sign/date the document.
- Section 4: Is to be completed by the DVBE firm. Fax the completed/signed document to the DVBE. Provide the DVBE firm with instructions to:
- Complete the form and to include all information
  - Sign and date the form
  - Return the form via email or fax to you
  - Include a current copy of their OSDS certification – available through OSDS eProcurement SB/DVBE Website

#### **DISABLED VETERAN BUSINESS ENTERPRISE DECLARATIONS, STD. 843**

Upon award of a contract the prime firm/bidder shall forward a copy of the DVBE Declaration, Std. 843 to the DVBE subcontractor(s) for completion and return to the bidder. Bidder must submit the completed document prior to execution of the final contract.

#### **BIDDER DECLARATION GSPD-05-105**

All bidders responding to this solicitation must complete the Bidder Declaration GSPD-05-105 and include it with their bid response. When completing the declaration, bidders responding to the solicitation must identify all SB and or DVBE subcontractors proposed for participation in the contract. Bidders awarded a contract are contractually obligated to use the SB or DVBE subcontractor for the work identified unless the State agrees to a substitution. The Department must be notified in writing that a substitution is requested and any substitution of a Small Business or DVBE firm must be approved by the State.

**ATTACHMENT 2 – BIDDER CERTIFICATION OF DVBE PARTICIPATION**

In accordance with Military and Veterans Code, Article 6 (commencing with Section 999) of Chapter 6, Division 4 of the California Military Code, Public Contract Code 10115, as the prime bidder, you are yourself, or you have selected, and mutually agreed to partner with, a California certified DVBE contractor to provide commodities or services related to the performance of services identified in Department of Water Resources IFB/RFP solicitation document. Submission of this form constitutes an agreement between the Prime Bidder and the Certified DVBE sub-contractor to fulfill California Disabled Veteran Business Enterprise Participation Program requirements related to the final executed contract. Any change to the DVBE sub-contractor must be submitting in writing to the Department's DVBE Program Manager.

*The Bidder Certification form must be signed by company representatives with recognized legal authority to do so.*

SECTION 1 - PRIME BIDDER BUSINESS INFORMATION					
<b>FIRM NAME</b>					
<b>FIRM CONTACT</b>					
<b>STREET ADDRESS</b>					
<b>CITY</b>		<b>STATE</b>		<b>ZIP</b>	
<b>FIRM TELEPHONE</b>		<b>FAX#:</b>			
<b>EMAIL</b>				<b>FEIN#</b>	
SECTION 2 - IDENTIFY THE SERVICES OR COMMODITIES TO BE PROVIDED BY THE SELECTED DVBE FIRM(S)					

SECTION 3 - IDENTIFY YOUR FIRM'S DVBE COMMITMENT
<p>I HAVE COMMITTED THREE (3) PERCENT TO THE DVBE FIRM LISTED BELOW.</p> <p>I HAVE COMMITTED GREATER THAN THREE (3) PERCENT. PERCENT COMMITTED: _____%</p> <p>I HAVE COMMITTED TO MULTIPLE DVBE FIRMS TO SATISFY OVERALL BID REQUIREMENTS. THE COMMITMENT LEVEL FOR THE DVBE FIRM LISTED BELOW IS: _____%</p>

<b>Printed Name of Authorized Representative</b>	<b>Signature of Authorized Representative</b>	<b>Date</b>

SECTION 4 - DVBE SUBCONTRACTOR INFORMATION					
<b>FIRM NAME</b>					
<b>FIRM CONTACT</b>					
<b>STREET ADDRESS</b>					
<b>CITY</b>		<b>STATE</b>		<b>ZIP</b>	
<b>FIRM TELEPHONE</b>		<b>FAX#:</b>			
<b>EMAIL</b>				<b>DGS OSDS CERTIFICATION #</b>	

<b>Printed Name of Authorized DVBE Representative</b>	<b>Signature of Authorized DVBE Representative</b>	<b>Date</b>

**ATTACHMENT VI**

STATE OF CALIFORNIA – DEPARTMENT OF GENERAL SERVICES PROCUREMENT DIVISION

**DISABLED VETERAN BUSINESS ENTERPRISE DECLARATIONS**

STD. 643 (Rev. 5/2006)

**Instructions:** The disabled veteran (DV) owner(s) and DV manager(s) of the Disabled Veteran Business Enterprise (DVBE) must complete this declaration when a DVBE contractor or subcontractor will provide materials, supplies, services or equipment [Military and Veterans Code Section 999.2]. Violations are misdemeanors and punishable by imprisonment or fine and violators are liable for civil penalties. All signatures are made under penalty of perjury.

**SECTION 1**

Name of certified DVBE: \_\_\_\_\_ DVBE Ref. Number: \_\_\_\_\_

Description (materials/supplies/services/equipment proposed): \_\_\_\_\_

Solicitation/Contract Number: \_\_\_\_\_ SCPRS Ref. Number: \_\_\_\_\_  
(FOR STATE USE ONLY)

**SECTION 2**

**APPLIES TO ALL DVBEs. Check only one box in Section 2 and provide original signatures.**

- I (we) declare that the DVBE is not a broker or agent, as defined in Military and Veterans Code Section 999.2 (b), of materials, supplies, services or equipment listed above. Also, complete Section 3 below if renting equipment.
- Pursuant to Military and Veterans Code Section 999.2 (f), I (we) declare that the DVBE is a broker or agent for the principal(s) listed below or on an attached sheet(s). (Pursuant to Military and Veterans Code 999.2 (e), State funds expended for equipment rented from equipment brokers pursuant to contracts awarded under this section shall not be credited toward the 3-percent DVBE participation goal.)

All DV owners and managers of the DVBE (attach additional pages with sufficient signature blocks for each person to sign):

_____	_____	_____
(Printed Name of DV Owner/Manager)	(Signature of DV Owner/ Manager)	(Date Signed)
_____	_____	_____
(Printed Name of DV Owner/Manager)	(Signature of DV Owner/Manager)	(Date Signed)

Firm/Principal for whom the DVBE is acting as a broker or agent: \_\_\_\_\_  
(If more than one firm, list on extra sheets.) (Print or Type Name)

Firm/Principal Phone: \_\_\_\_\_ Address: \_\_\_\_\_

**SECTION 3**

**APPLIES TO ALL DVBEs THAT RENT EQUIPMENT AND DECLARE THE DVBE IS NOT A BROKER.**

- Pursuant to Military and Veterans Code Section 999.2 (c), (d) and (g), I am (we are) the DV(s) with at least 51% ownership of the DVBE, or a DV manager(s) of the DVBE. The DVBE maintains certification requirements in accordance with Military and Veterans Code Section 999 et. seq.
- The undersigned owner(s) own(s) at least 51% of the quantity and value of each piece of equipment that will be rented for use in the contract identified above. I (we), the DV owners of the equipment, have submitted to the administering agency my (our) personal federal tax return(s) at time of certification and annually thereafter as defined in *Military and Veterans Code 999.2, subsections (c) and (g)*. *Failure by the disabled veteran equipment owner(s) to submit their personal federal tax return(s) to the administering agency as defined in Military and Veterans Code 999.2, subsections (c) and (g), will result in the DVBE being deemed an equipment broker.*

Disabled Veteran Owner(s) of the DVBE (attach additional pages with signature blocks for each person to sign):

_____	_____	_____
(Printed Name)	(Signature)	(Date Signed)
_____	_____	_____
(Address of Owner)	(Telephone)	(Tax Identification Number of Owner)

Disabled Veteran Manager(s) of the DVBE (attach additional pages with sufficient signature blocks for each person to sign):

_____	_____	_____
(Printed Name of DV Manager)	(Signature of DV Manager)	(Date Signed)

**BIDDER DECLARATION**

1. Prime bidder information (Review attached Bidder Declaration Instructions prior to completion of this form):
  - a. Identify current California certification(s) (MB, SB, NVSA, DVBE): \_\_\_\_\_ or None
  - b. Will subcontractors be used for this contract? Yes  No  (If yes, indicate the distinct element of work your firm will perform in this contract e.g., list the proposed products produced by your firm, state if your firm owns the transportation vehicles that will deliver the products to the State, identify which solicited services your firm will perform, etc.). Use additional sheets, as necessary.

- c. If you are a California certified DVBE: (1) Are you a broker or agent? Yes  No   
 (2) If the contract includes equipment rental, does your company own at least 51% of the equipment provided in this contract (quantity and value)? Yes  No  N/A

2. If no subcontractors will be used, skip to certification below. Otherwise, list all subcontractors for this contract. (Attach additional pages if necessary):

Subcontractor Name, Contact Person, Phone Number & Fax Number	Subcontractor Address & Email Address	CA Certification (MB, SB, NVSA, DVBE or None)	Work performed or goods provided for this contract	Corresponding % of bid price	Good Standing?	51% Rental?
					<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>

**CERTIFICATION: By signing the bid response, I certify under penalty of perjury that the information provided is true and correct.**

## BIDDER DECLARATION INSTRUCTIONS

### All prime bidders (the firm submitting the bid) must complete the Bidder Declaration.

- 1.a.** Identify all current certifications issued by the State of California. If the prime bidder has no California certification(s), check the line labeled "None" and proceed to Item # 1.b. If the prime bidder possesses one or more of the following certifications, enter the applicable certification(s) on the line:
- Microbusiness (MB)
  - Small Business (SB)
  - Nonprofit Veteran Service Agency (NWSA)
  - Disabled Veteran Business Enterprise (DVBE)

- 1.b.** Mark either "Yes" or "No" to identify whether subcontractors will be used for the contract. If the response is "No," proceed to Item # 1.c. If "Yes," enter on the line the distinct element of work contained in the contract to be performed or the goods to be provided by the prime bidder. Do not include goods or services to be provided by subcontractors.

Bidders certified as MB, SB, NWSA, and/or DVBE must provide a commercially useful function as defined in Military and Veterans Code Section 999 for DVBEs and Government Code Section 14837(d)(4)(A) for small/microbusinesses.

Bids must propose that certified bidders provide a commercially useful function for the resulting contract or the bid will be deemed non-responsive and rejected by the State. For questions regarding the solicitation, contact the procurement official identified in the solicitation.

**Note: A subcontractor is any person, firm, corporation, or organization contracting to perform part of the prime's contract.**

- 1.c.** This item is only to be completed by businesses certified by California as a DVBE.

(1) Declare whether the prime bidder is a broker or agent by marking either "Yes" or "No." The Military and Veterans Code Section 999.2 (b) defines "broker" or "agent" as a certified DVBE contractor or subcontractor that does not have title, possession, control, and risk of loss of materials, supplies, services, or equipment provided to an awarding department, unless one or more of the disabled veteran owners has at least 51-percent ownership of the quantity and value of the materials, supplies, services, and of each piece of equipment provided under the contract.

(2) If bidding rental equipment, mark either "Yes" or "No" to identify if the prime bidder owns at least 51% of the equipment provided (quantity and value). If not bidding rental equipment, mark "N/A" for "not applicable."

- 2.** If no subcontractors are proposed, do not complete the table. Read the certification at the bottom of the form and complete "Page \_\_\_ of \_\_\_" on the form.  
If subcontractors will be used, complete the table listing all subcontractors. If necessary, attach additional pages and complete the "Page \_\_\_ of \_\_\_" accordingly.

### 2. (continued) Column Labels

**Subcontractor Name, Contact Person, Phone Number & Fax Number**—List each element for all subcontractors.

**Subcontractor Address & Email Address**—Enter the address and if available, an Email address.

**CA Certification (MB, SB, NWSA, DVBE or None)**—If the subcontractor possesses a current State of California certification(s), verify on this website ([www.eprcaure.pd.dgs.ca.gov](http://www.eprcaure.pd.dgs.ca.gov)).

**Work performed or goods provided for this contract**—Identify the distinct element of work contained in the contract to be performed or the goods to be provided by each subcontractor. Certified subcontractors must provide a commercially useful function for the contract. (See paragraph 1.b above for code citations regarding the definition of commercially useful function.) If a certified subcontractor is further subcontracting a greater portion of the work or goods provided for the resulting contract than would be expected by normal industry practices, attach a separate sheet of paper explaining the situation.

**Corresponding % of bid price**—Enter the corresponding percentage of the total bid price for the goods and/or services to be provided by each subcontractor. Do not enter a dollar amount.

**Good Standing?**—Provide a response for each subcontractor listed. Enter either "Yes" or "No" to indicate that the prime bidder has verified that the subcontractor(s) is in good standing for all of the following:

- Possesses valid license(s) or permit required by the solicitation or by law
- If a corporation, the company is qualified to do business in California and designated by the State of California Secretary of State to be in good standing
- Possesses valid State of California certification(s) if claiming MB, SB, NWSA, and/or DVBE status

**51% Rental?**—This pertains to the applicability of rental equipment. Based on the following parameters, enter either "N/A" (not applicable), "Yes" or "No" for each subcontractor listed.

- Enter "N/A" if the:
  - Subcontractor is NOT a DVBE (regardless of whether or not rental equipment is provided by the subcontractor) or
  - Subcontractor is NOT providing rental equipment (regardless of whether or not subcontractor is a DVBE)

Enter "Yes" if the subcontractor is a California certified DVBE providing rental equipment and the subcontractor owns at least 51% of the rental equipment (quantity and value) it will be providing for the contract.

Enter "No" if the subcontractor is a California certified DVBE providing rental equipment but the subcontractor does NOT own at least 51% of the rental equipment (quantity and value) it will be providing.

Read the certification at the bottom of the page and complete the "Page \_\_\_ of \_\_\_" accordingly.

**ATTACHMENT VIII**

STATE OF CALIFORNIA  
**CALIFORNIA CIVIL RIGHTS LAWS ATTACHMENT**  
DGS OLS 04 (Rev. 01/17)

DEPARTMENT OF GENERAL SERVICES  
OFFICE OF LEGAL SERVICES

Pursuant to Public Contract Code section 2010, a person that submits a bid or proposal to, or otherwise proposes to enter into or renew a contract with, a state agency with respect to any contract in the amount of \$100,000 or above shall certify, under penalty of perjury, at the time of the bid or proposal is submitted or the contract is renewed, all of the following:

1. **CALIFORNIA CIVIL RIGHTS LAWS:** For contracts executed or renewed after January 1, 2017, the contractor certifies compliance with the Unruh Civil Rights Act (Section 51 of the Civil Code) and the Fair Employment and Housing Act (Section 12960 of the Government Code); and
2. **EMPLOYER DISCRIMINATORY POLICIES:** For contracts executed or renewed after January 1, 2017, if a Contractor has an internal policy against a sovereign nation or peoples recognized by the United States government, the Contractor certifies that such policies are not used in violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) or the Fair Employment and Housing Act (Section 12960 of the Government Code).

**CERTIFICATION**

I, the official named below, certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Proposer/Bidder Firm Name (Printed)	Federal ID Number
-------------------------------------	-------------------

By (Authorized Signature)

Printed Name and Title of Person Signing

Executed in the County of	Executed in the State of
---------------------------	--------------------------

Date Executed



**ATTACHMENT IX  
IRAN CONTRACTING ACT  
(Public Contract Code sections 2202-2208)**

Prior to bidding on, submitting a proposal or executing a contract or renewal for a State of California contract for goods or services of \$1,000,000 or more, a vendor must either: a) certify it is **not** on the current list of persons engaged in investment activities in Iran created by the California Department of General Services (“DGS”) pursuant to Public Contract Code section 2203(b) and is not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS; or b) demonstrate it has been exempted from the certification requirement for that solicitation or contract pursuant to Public Contract Code section 2203(c) or (d).

To comply with this requirement, please insert your vendor or financial institution name and Federal ID Number (if available) and complete **one** of the options below. Please note: California law establishes penalties for providing false certifications, including civil penalties equal to the greater of \$250,000 or twice the amount of the contract for which the false certification was made; contract termination; and three-year ineligibility to bid on contracts. (Public Contract Code section 2205.)

**OPTION #1 - CERTIFICATION**

I, the official named below, certify I am duly authorized to execute this certification on behalf of the vendor/financial institution identified below, and the vendor/financial institution identified below is **not** on the current list of persons engaged in investment activities in Iran created by DGS and is not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person/vendor, for 45 days or more, if that other person/vendor will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS.

<i>Vendor Name/Financial Institution (Printed)</i>		<i>Federal ID Number (or n/a)</i>
<i>By (Authorized Signature)</i>		
<i>Printed Name and Title of Person Signing</i>		
<i>Date Executed</i>	<i>Executed in</i>	

**OPTION #2 – EXEMPTION**

Pursuant to Public Contract Code sections 2203(c) and (d), a public entity may permit a vendor/financial institution engaged in investment activities in Iran, on a case-by-case basis, to be eligible for, or to bid on, submit a proposal for, or enters into or renews, a contract for goods and services.

If you have obtained an exemption from the certification requirement under the Iran Contracting Act, please fill out the information below, and attach documentation demonstrating the exemption approval.

<i>Vendor Name/Financial Institution (Printed)</i>		<i>Federal ID Number (or n/a)</i>
<i>By (Authorized Signature)</i>		
<i>Printed Name and Title of Person Signing</i>		<i>Date Executed</i>

**SAMPLE CONTRACT**

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

**STANDARD AGREEMENT**

STD 213 (Rev. 03/2019)

AGREEMENT NUMBER

PURCHASING AUTHORITY NUMBER (if Applicable)

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

CONTRACTOR NAME

2. The term of this Agreement is:

START DATE

THROUGH END DATE

3. The maximum amount of this Agreement is:

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

EXHIBITS	TITLE	PAGES
Exhibit A	Scope of Work	
Exhibit B	Budget Detail and Payment Provisions	
Exhibit C*	General Terms and Conditions	
* *		

Items shown with an asterisk (\*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at <https://www.dgs.ca.gov/OLS/Resources>

IN WITNESS WHERE OF THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

**CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

CONTRACTOR BUSINESS ADDRESS

CITY

STATE

ZIP

PRINTED NAME OF PERSON SIGNING

TITLE

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED

**STATE OF CALIFORNIA**

CONTRACTING AGENCY NAME

CONTRACTING AGENCY ADDRESS

CITY

STATE

ZIP

PRINTED NAME OF PERSON SIGNING

TITLE

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION (if Applicable)

**EXHIBIT A  
SCOPE OF WORK**

1. Contractor agrees to provide to the Department of Water Resources (DWR), independent feasibility analysis services as described herein.
2. The services will be performed at:

Contractor's location within California

3. **Contract Managers**

DWR has identified below the Contract Managers who will serve for the term of this Agreement. Contractor will assign its own Contract Manager to serve as the principal point of contact for all aspects of performance under this Contract. The Contractor may, but is not required to, assign a separate individual to serve as Contract Administrator.

The Contract Managers during the term of this agreement will be:

<b>Department of Water Resources</b>	<b>(Name of Contractor)</b>
Name:	Name:
Phone:	Phone:
Fax:	Fax:
Email:	Email:

Contract Managers may be changed by written notice to the other party.

4. **Background**

Executive Order N-10-19 stipulated the creation of a Water Resilience Portfolio for the State of California. The Draft Portfolio has been released and contains a series of proposals whose aim is to improve California's ability to adaptively manage water resources. Water Resilience Portfolio Proposal 17 specifies that the State will complete an independent feasibility analysis of water importation options for the Salton Sea. To facilitate that process, DWR seeks to procure the services of an independent third-party evaluation team (Panel) to conduct a Feasibility Study to objectively evaluate the merit of water importation as a potential long-term strategy for restoration of the Salton Sea.

Additionally, the State Water Resources Control Board adopted revised Order WRO 2002-0013, which sets a framework for Salton Sea restoration and mitigation and calls for the California Natural Resources Agency (CNRA) to develop a long-term plan for Salton Sea restoration which may include water importation. CNRA initiated the work in 2017 with following steps taken:

- A. Consultant developed preliminary water importation feasibility study for DWR prior to 2017.
- B. Request for Information (RFI) was posted on CNRA website in December 2017.
- C. 11 proposals were received by the March 2018 due date in the electronic format. All proposals are posted on the CNRA website and available to the public.

5. **Objectives**

The objective of this Request for Proposal (RFP) is to conduct a feasibility study of the 2017 RFI proposals and to elucidate whether or not water imports to the Salton Sea are achievable. The SOW includes the following actions:

- A. Administrative project support of the contract.
- B. Creating an Independent Review Panel (Panel).
- C. Evaluating the 2017 RFI proposals and determining if there are any gaps in the proposals that would affect feasibility and facilitate feedback based on a gap analysis to RFI proposers and allow for a resubmittal their proposals if necessary.
- D. Facilitating an additional solicitation if the panel determines that the gaps are significant enough to warrant an additional call for alternatives.
- E. Developing additional alternatives by utilizing non-proprietary portions of the proposals and the subject matter expertise of the panel.
- F. Conducting a feasibility analysis of the existing proposals, amended proposals, new proposals, and panel alternatives to determine what has technical and economic feasibility.
- G. Preparing interim and final reports and presentations of the findings.

This SOW will not address subsequent phases that would be necessary to implement a water importation project such as, contractor selection for design, construction, operations and maintenance, and funding.

## 6. Description of Work

DWR is seeking interested and qualified applicants to advance our understanding on the feasibility of water importation by providing independent third-party evaluation services and a feasibility analysis in support of the State's planning objectives for the Salton Sea Management Program (SSMP).

### A. Task 1: Project Support

Contractor will be responsible for the following activities associated with this contract:

#### 1) General Project Management

The Contractor will appoint a project manager to work directly with the Panel, DWR and CNRA staff. The Contractor will provide general project management assistance for the implementation of this SOW. Tasks will include developing and managing project tasks, assessing resource needs and schedules, conducting or attending meetings with public agencies and stakeholders, and overseeing subcontracted work. Contractor will submit invoices with supporting documentation, as needed, to DWR for services completed and that conform to the cost breakdown established in the Cost Proposal Worksheet.

#### 2) Documentation of Work

The Contractor will document all aspects of work conducted under this Contract. Examples of documentation can include monthly progress reports, final reports, invoices, and the deliverables identified in the SOW.

#### 3) Project Coordination

The Contractor and Panel will coordinate with the CNRA, DWR Salton Sea program managers and staff, and the California Department of Fish and Wildlife (CDFW) to ensure that work products are integrated, consistent, and are of a high quality. The Contractor and Panel will work proactively and cooperatively to identify, communicate, and resolve potential problems or issues that could disrupt the achievement of program objectives within the budget and schedule. The Contractor and Panel will collaborate strategically, confer with staff, and recommend approaches and actions for the project success.

Task 1 Deliverables: Monthly progress reports, interim reports and presentations, final reports, invoices, and deliverables identified in SOW.

## B. Task 2: Independent Review Panel (Panel)

The Contractor will create and manage an independent review panel to provide the services indicated below to help assess the merit and feasibility of water importation to the Salton Sea. The Contractor will ensure that the Panel performs the tasks in the RFP as well as interim status reports and all deliverables. In addition to the work outlined in this RFP, the Panel members will follow DWR standards and procedures in performing the following:

- 1) Review technical information, design assumptions, studies, analysis, drawings and other documents provided by DWR, CDFW, and CNRA.
- 2) Attend meetings organized by DWR, CDFW, and CNRA staff.
- 3) Work cooperatively with other contractors, consultants, and DWR, CDFW, and CNRA staff.
- 4) Provide informal verbal findings, conclusions, and recommendations to DWR and CNRA staff.
- 5) Present formal results of findings to members of the public.

Specifically, the Contractor will: Use the Independent Panel Criteria below to perform an exhaustive search to identify a minimum of 4 and no more than 9 qualified Panel members and provide the basis for the recommendations (e.g. statement of qualifications and curriculum vitae). The Panel members will be asked to review high risk and complex technical topics; therefore, the Panel members must have documented expertise and industry-recognized relevant work experience. DWR will provide an endorsement of the proposed Panel members to ensure that the Panel contains sufficient expertise to complete the tasks in the SOW and that the Panel can provide neutral, third-party assessments, and advice. All Panel members are expected to provide meaningful input.

### **Independent Panel Criteria**

The Panel must consist of:

- 1) A minimum of one and no more than three Panel members that have knowledge, familiarity, and experience designing, engineering and constructing of large water supply, water treatment, water conveyance systems (including tunnels or underground pipelines/penstocks), renewable or conventional energy or hydropower systems, or similar facilities and appurtenant civil structures at a large regional, statewide or international scale.
- 2) A minimum of one and no more than two Panel members that have knowledge, familiarity, and experience in long term operations of large water supply, water treatment, water conveyance systems (including tunnels or underground pipelines/penstocks), renewable or conventional energy or hydropower systems, or similar facilities and appurtenant civil structures at a large regional, statewide or international scale.
- 3) A minimum of one Panel member that has experience facilitating collaborative processes and stakeholder outreach involved in technical water resources programs and projects such as water conveyance and storage, integrated regional water management, water supply, water conservation and dam and flood safety at the local, regional, statewide, and international levels.
- 4) A minimum of one Panel member that has experience analyzing, synthesizing, and distilling complex scientific and financial information. The Panel member(s) must have relevant training, education, certifications, and experience in the fields of water quality, air quality, hydrology, hydraulics, ecology, biology, and economics.
- 5) A minimum of one Panel member that has knowledge, familiarity, and experience working with International, Federal, State, and Local environmental laws, regulatory compliance, and permitting.

Minimum requirements for all Panel members include:

- a. Relevant education
- b. 10+ years of experience in one or more of the independent Panel criteria
- c. History of accomplishments demonstrated by completed projects and publications

- d. No conflict of interest
  - i. No current Salton Sea contractors
  - ii. Not associated with any RFI proposer
- e. Must provide a Curriculum Vitae (CV) (no more than 10 pages) and Statement of Qualifications (no more than 5 pages) for verification for every Panel member.

Task 2 Deliverables: A qualified Panel of experts for the duration of the contract with all supporting documentation.

C. Task 3: Evaluate Existing Proposals and Gap Analysis

Eleven proposals were submitted for developing a long-term plan for Salton Sea management. The proposals describe approaches for creating a sustainable Salton Sea environment with water importation, including development of energy sources, conveyance, intake, and pumping structures.

Specifically, the Contractor will direct the Panel to:

- 1) Develop and implement a process to accept additional water importation proposals modeled after the 2017 RFI solicitation.
  - a. Evaluate new proposals utilizing the methods developed for the RFI proposal evaluation.
- 2) Develop a process to conduct a feasibility study of the water importation proposals received through the 2017 *Request for Information for Salton Sea Water Importation Projects* (2017 RFI), available here: <http://resources.ca.gov/wp-content/uploads/2017/12/Salton-Sea-Water-Import-RFI.pdf>.
  - a. Facilitate feedback to the RFI bidders, allowing them to fill in any gaps discovered by the Panel assessment and re-submit their proposal for review.
- 3) Evaluate the components of each water importation proposal to determine whether any portion of each proposal may be technically feasible, even if the proposal overall is not.
- 4) Utilize industry subject matter expertise to propose additional alternatives not included in the RFI submittals and evaluate utilizing the methods developed for the RFI proposal evaluation.

The process to evaluate proposals developed by the Contractor should include:

- a. Water source identification
- b. Design and engineering; including energy sources, conveyance and pumping facilities and intake structures
- c. Construction of the proposed structure or system
- d. Long term operations of the proposed structure or system
- e. Water treatment facilities
- f. Water and Land use
- g. Flood control and climate change impacts
- h. Environmental parameters such as: water quality, air quality, hydrology, hydraulics, ecology, biology, and endangered species
- i. Ecological restoration
- j. International, federal, State, and local environmental laws, regulatory compliance, and permitting
- k. Stakeholder strategy and coordination (International, Federal, State, Local)

Task 3 Deliverables: A report summarizing the findings with the proposals that are recommended for a full feasibility analysis. The report includes all data and documentation on processes and decisions made throughout the review and evaluation process.

D. Task 4: Feasibility Analysis

The Contractor will direct the Panel to conduct an analysis to assess the feasibility of water importation as a long-term strategy for restoration of the Salton Sea.

**Feasibility Analysis**

Contractor will direct the Panel to validate construction and long-term operation related impacts, risks, and estimates of construction for each option and validate the schedule for each option.

The Feasibility Analysis should include but not be limited to:

- 1) Economic Analysis
  - a. Indicate total cost of construction and annual cost of operation and maintenance
  - b. Indicate the expected life of the project.
  - c. Calculate the benefits when the project is implemented, such as improved human health, economic revitalization of the region, increased construction of residential, industrial, and recreational facilities, and increased tax revenues.
  - d. Calculate the cost of inaction based on negative effects of poor air quality and declining environmental habitat
- 2) Identify strengths and weaknesses of the proposed project.
- 3) Identify opportunities and threats to viability of the project.
- 4) Validate assumptions and constrains set in the proposal. For example:
  - a. Is it technically possible to implement and operate?
  - b. Is it sustainable for the proposed life of the project?
  - c. Are the costs consistent with the scope of the project?
  - d. Is the construction schedule realistic?
  - e. Is it likely to be permitted for construction and long-term operations given current international, federal, State, and local?

Task 4 Deliverables: A completed feasibility analysis. The report must also include all data and documentation on processes and decisions made throughout the review and evaluation process.

E. Task 5: Summary Report and Final Deliverable

The Contractor will direct the Panel to provide a summary report describing the findings in each task and must also identify any lack of information or areas that require significant additional research. The Panel will also present their finding at meetings or additional events as needed.

**EXHIBIT B  
BUDGET DETAIL AND PAYMENT PROVISIONS  
PRIVATE ENTITIES**

A. INVOICING AND PAYMENT

Contractor shall submit three copies of the invoice to the State only after receiving written notice of satisfactory completion or acceptance of work by the DWR Contract Manager. **The State will not accept an invoice for work that has not been approved and will return the invoice as a disputed invoice to the Contractor.**

Itemized invoices shall be submitted no more often than monthly, in arrears, bearing the contract number. Small business contractors must identify their certified small business status on the invoice.

Contractor must submit three copies of each invoice to the following address in order to expedite approval and payment:

DWR Accounting Office  
Contracts Payable Unit  
P.O. Box 942836  
Sacramento, California 94236-0001

Undisputed invoices shall be **paid** within 45 days of the date received by the DWR Accounting Office.

B. BUDGET CONTINGENCY CLAUSE

It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.

If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either: cancel this Agreement with no liability occurring to the State, or offer an Agreement Amendment to Contractor to reflect the reduced amount.

C. PROMPT PAYMENT CLAUSE

Payment will be made in accordance with and within the time specified in Government Code, Chapter 4.5 (commencing with Section 927).



**EXHIBIT C  
GENERAL TERMS AND CONDITIONS**

**This is a placeholder page.**

Under the State of California's standardized contract process, a hardcopy of Exhibit C is not included in the standard agreement package or in this solicitation document. As indicated on the Std. 213, a copy of Exhibit C can be found at the internet site: [GTC 04/2017](#)

Or, you may copy and paste the following text for the GTC listing from the DGS website:

<https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language>

If you do not have internet access please contact the Bid Administrator below to receive a copy:

Nicole Anderson  
(916) 651-7013

**EXHIBIT D – Special Terms and Conditions for  
Department of Water Resources  
(Over \$10,000 Standard Payable)**

1. **EXCISE TAX:** The State of California is exempt from Federal Excise Taxes, and no payment will be made for any taxes levied on employees' wages.
2. **RESOLUTION OF DISPUTES:** In the event of a dispute, Contractor shall file a "Notice of Dispute" with the Director or the Director's Designee within ten (10) days of discovery of the problem. The State and Contractor shall then attempt to negotiate a resolution of such claim and, if appropriate, process an amendment to implement the terms of any such resolution. If the State and Contractor are unable to resolve the dispute, the decision of the Deputy Director of Business Operations shall be final, unless appealed to a court of competent jurisdiction.

In the event of a dispute, the language contained within this agreement shall prevail over any other language including that of the bid proposal.

3. **PAYMENT RETENTION CLAUSE:** Ten percent of any progress payments that may be provided for under this contract shall be withheld per Public Contract Code Section 10346 pending satisfactory completion of all services under the contract.
4. **AGENCY LIABILITY:** The Contractor warrants by execution of this Agreement, that no person or selling agency has been employed or retained to solicit or secure this Agreement upon agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the State shall, in addition to other remedies provided by law, have the right to annul this Agreement without liability, paying only for the value of the work actually performed, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.
5. **POTENTIAL SUBCONTRACTORS:** Nothing contained in this Agreement or otherwise shall create any contractual relation between the State and any subcontractors, and no subcontract shall relieve the Contractor of its responsibilities and obligations hereunder. The Contractor agrees to be as fully responsible to the State for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Contractor. The Contractor's obligation to pay its subcontractors is an independent obligation from the State's obligation to make payments to the Contractor. As a result, the State shall have no obligation to pay or enforce the payment of any moneys to any subcontractor.
6. **SUBCONTRACTING:** The Contractor is responsible for any work it subcontracts. Subcontracts must include all applicable terms and conditions of this Agreement. Any subcontractors, outside associates, or consultants required by the Contractor in connection with the services covered by this Agreement shall be limited to such individuals or firms as were specifically identified in the bid or agreed to during negotiations for this Agreement, or as are specifically authorized by the Contract Manager during the performance of this Agreement. Any substitutions in, or additions to, such subcontractors, associates or consultants shall be subject to the prior written approval of the Contract Manager. Contractor warrants, represents and agrees that it and its subcontractors, employees and representatives shall at all times comply with all applicable laws, codes, rules and regulations in the performance of this Agreement. Should State determine that the work performed by a subcontractor is substantially unsatisfactory and is not in substantial accordance with the contract terms and conditions, or that the subcontractor is substantially delaying or disrupting the process of work, State may request substitution of the subcontractor.

7. RENEWAL OF CCC: Contractor shall renew the Contractor Certification Clauses or successor documents every three (3) years or as changes occur, whichever occurs sooner.
8. REPORT OF RECYCLED CONTENT CERTIFICATION: In accordance with Public Contract Code Sections 12200-12217, et seq. and 12153-12156, et seq. the contractor must complete and return the form DWR 9557, Recycled Content Certification, for each required product to the Department at the conclusion of services specified in this contract. Form DWR 9557 is attached to this Exhibit and made part of this contract by this reference.
9. TERMINATION CLAUSE: The State may terminate this contract without cause upon 30 days advance written notice. The Contractor shall be reimbursed for all reasonable expenses incurred up to the date of termination.
10. COMPUTER SOFTWARE: For contracts in which software usage is an essential element of performance under this Agreement, the Contractor certifies that it has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this contract for the acquisition, operation or maintenance of computer software in violation of copyright laws.
11. PRIORITY HIRING CONSIDERATIONS: For contracts, other than consulting services contracts, in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the contract to qualified recipients of aid under Welfare and Institutions Code Section 11200. (Public Contract Code Section 10353).
12. EQUIPMENT RENTAL AGREEMENTS: This provision shall apply to equipment rental agreements. The State shall not be responsible for loss or damage to the rented equipment arising from causes beyond the control of the State. The State's responsibility for repairs and liability for damage or loss to such equipment is restricted to that made necessary or resulting from the negligent act or omission of the State or its officers, employees, or agents.
13. CONTRACTOR COOPERATION DURING INVESTIGATION: Contractor agrees to cooperate fully in any investigation conducted by or for DWR regarding unsatisfactory work or allegedly unlawful conduct by DWR employees or DWR contractors. The word "cooperate" includes but is not limited to, in a timely manner, making Contractor staff available for interview and Contractor records and documents available for review.
14. CONFLICT OF INTEREST:
  - a. Current and Former State Employees: Contractor should be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.
    - (1) Current State Employees: (PCC §10410)
      - (a) No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
      - (b) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.
    - (2) Former State Employees: (PCC §10411)
      - (a) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

- (b) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

b. Penalty for Violation:

- (a) If the Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (PCC §10420)

c. Members of Boards and Commissions:

- (a) Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (PCC §10430 (e))

d. Representational Conflicts of Interest:

The Contractor must disclose to the DWR Program Manager any activities by contractor or subcontractor personnel involving representation of parties, or provision of consultation services to parties, who are adversarial to DWR. DWR may immediately terminate this contract if the contractor fails to disclose the information required by this section. DWR may immediately terminate this contract if any conflicts of interest cannot be reconciled with the performance of services under this contract.

e. Financial Interest in Contracts:

Contractor should also be aware of the following provisions of Government Code §1090:

"Members of the Legislature, state, county district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity."

f. Prohibition for Consulting Services Contracts:

For consulting services contracts (see PCC §10335.5), the Contractor and any subcontractors (except for subcontractors who provide services amounting to 10 percent or less of the contract price) may not submit a bid/SOQ, or be awarded a contract, for the provision of services, procurement of goods or supplies or any other related action which is required, suggested, or otherwise deemed appropriate in the end product of such a consulting services contract (see PCC §10385.5).

- 15. COMMERCIAL DRIVER MEAL PERIOD AND REST PERIOD: To comply with Supreme Court case *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 903, Contractor shall ensure that commercial drivers employed or subcontracted for under this contract shall receive meal periods and rest periods commensurate with those required by Department of Industrial Relations Wage Order 9, sections 11 and 12:  
<https://www.dir.ca.gov/IWC/IWCArticle9.pdf>.
- 16. ORDER OF PRECEDENCE: In the event of any inconsistency between the terms, specifications, provisions or attachments which constitute this Contract, the following order of precedence shall apply:
  - a) The General Terms and Conditions;
  - b) The Std. 213;
  - c) The Scope of Work;
  - d) Any other incorporated attachments in the Contract by reference

**EXHIBIT D, ATTACHMENT 1**

State of California

DEPARTMENT OF WATER RESOURCES

California Natural Resources Agency

Contract # [REDACTED]  
Exhibit [REDACTED], Attachment [REDACTED]  
Page 1 of 2

**RECYCLED CONTENT CERTIFICATION**

To be completed by the vendor/bidder/contractor and returned to:

DEPARTMENT OF WATER RESOURCES  
Recycling Coordinator  
Purchasing Services Office  
1416 Ninth Street, Room 353, Sacramento, CA 95814  
(916) 853-5908 FAX: (916) 853-8543

COMPANY: [REDACTED]

PERSON COMPLETING FORM: [REDACTED]

DATE: [REDACTED]

DESCRIPTION Please include item name, brand, and product number	% POSTCONSUMER	RECYCLED MATERIAL TYPE
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

All businesses shall certify in writing to the contracting officer or his or her representative the minimum percentage, if not exact percentage, of postconsumer material in the productions, materials, goods, or supplies offered or sold to the state regardless of whether the product meets the minimum content requirements specified in law (see page 2 for minimum content requirements). The certification shall be furnished under penalty of perjury. The certification shall be provided regardless of content, even if the product contains no recycled material. A state agency may waive the certification requirements if the percentage of postconsumer material in the products, materials, good or supplies can be verified in a written advertisement, including, but not limited to, a product label, a catalog, or manufacturer or vendor internet website.

Public Contract Code Sections 12200-12217, et seq. and 12153-12156, et seq.

*I certify that the above information is true. I further certify that these environmental claims for recycled content regarding these products are consistent with the Federal Trade Commission's Environmental Marketing Guidelines in accordance with PCC 12404.*

NAME OF PERSON COMPLETING FORM	TITLE	AGENCY/COMPANY
[REDACTED]	[REDACTED]	[REDACTED]

➤ \_\_\_\_\_  
SIGNATURE OF PERSON COMPLETING FORM DATE

Contract # [REDACTED]  
Exhibit [REDACTED], Attachment [REDACTED]  
Page 2 of 2

1. Postconsumer material comes from products that were bought by consumers, used, then recycled. For example: a newspaper that has been purchased and read, next recycled, and then used to make another product would be postconsumer material.

If the product does not fit into any of the product categories, enter "N/A". Common N/A products include wood products, natural textiles, aggregate, concrete, electronics such as computers, TV, software on a disk or CD, telephone.

2. Product category refers to one of the product categories listed below, into which the reportable purchase falls. For products made from multiple materials, choose the category that comprises most of the product by weight, or volume.

Note: For reuse or refurbished products, there are no minimum content requirements.

For additional information visit [www.ciwmb.ca.gov/BuyRecycled/](http://www.ciwmb.ca.gov/BuyRecycled/)

Description Product Categories	Minimum Content Requirement
Paper Products – Recycled	30 percent postconsumer fiber, by fiber weight
Printing and Writing – Recycled	30 percent postconsumer fiber, by fiber weight
Compost, Co-compost, and Mulch – Recycled	80 percent recovered materials i.e., material that would otherwise be normally disposed of in a landfill
Glass – Recycled	10 percent postconsumer, by weight
Re-refined Lubricating Oil – Recycled	70 percent re-refined base oil
Plastic – Recycled	10 percent postconsumer, by weight
Printer or duplication cartridges	<ol style="list-style-type: none"> <li>a. Have 10 percent postconsumer material, or</li> <li>b. Are purchased as remanufactured, or</li> <li>c. Are backed by a vendor-offered program that will take back the printer cartridges after their useful life and ensure that the cartridges are recycled and comply with the definition of recycled as set forth in Sections 12200-12217, et seq. and 12153-12156, et seq. of the Public Contract Code.</li> </ol>
Paint – Recycled	50 percent postconsumer paint (exceptions when 50 percent postconsumer content is not available or is restricted by a local air quality management district, then 10 percent postconsumer content may be substituted)
Antifreeze – Recycled	70 percent postconsumer material
Retreated Tires – Recycled	Use existing casing that has undergone retreading or recapping process in accordance with Public Resource Code (commencing with section 42400).
Tire – Derived – Recycled	50 percent post consumer tires
Metals – Recycled	10 percent postconsumer, by weight

**EXHIBIT E**  
**ADDITIONAL PROVISIONS**

1. **COPYRIGHT**

All rights in copyright works created by the Contractor in the performance of work under this agreement are the property of the State.

2. **EVALUATION OF CONTRACTOR FOR CONSULTANT AGREEMENTS**

Performance of the Contractor under this Agreement will be evaluated. At the conclusion of the contract, the evaluation shall be prepared on Contract/Contractor Evaluation Sheet, Std. 4 and forwarded to the Contract Services Office where they will be filed. A copy of any negative evaluation for contracts over \$5,000 will be sent to the Department of General Services, Office of Legal Services.

3. **CERTIFICATE OF INSURANCE**

a. **General Provisions Applying to All Policies**

- i. **Coverage Term** – Coverage needs to be in force for the complete term of the contract. If insurance expires during the term of the contract, a new certificate must be received by the State at least 30 days prior to the expiration of this insurance. Any new insurance must still comply with the original terms of the contract.
- ii. **Policy Cancellation or Termination & Notice of Non-Renewal** – Contractor shall provide to the Department, within five (5) business days following receipt by contractor, a copy of any cancellation or non-renewal of insurance required by this contract. In the event Contractor fails to keep in effect at all times the specified insurance coverage, the State may, in addition to any other remedies it may have, terminate this Contract upon the occurrence of such event, subject to the provisions of this Contract.
- iii. **Deductible** – Contractor is responsible for any deductible or self-insured retention contained within their insurance program.
- iv. **Primary Clause** – Any required insurance contained in this contract shall be primary, and not excess or contributory, to any other insurance carried by the State.
- v. **Insurance Carrier Required Rating** – All insurance companies must carry a rating acceptable to the Office of Risk and Insurance Management – A or better and financial size category of VII or better to the latest edition of the A.M. Best Key Rating Guide. If the Contractor is self-insured for a portion or all of its insurance, review of financial information including a letter of credit may be required.
- vi. **Endorsements** – Any required endorsements requested by the State must be physically attached to all requested certificates of insurance and not substituted by referring to such coverage on the certificate of insurance.
- vii. **Inadequate Insurance** – Inadequate or lack of insurance does not negate the contractor's obligations under the contract.
- viii. **Satisfying an SIR** - All insurance required by this contract must allow the State to pay and/or act as the contractor's agent in satisfying any self-insured retention (SIR). The choice to pay and/or act as the contractor's agent in satisfying any SIR is at the State's discretion.
- ix. **Available Coverages/Limits** - All coverage and limits available to the contractor shall also be available and applicable to the State.

- x. Subcontractors - In the case of Contractor utilization of subcontractors to complete the contracted scope of work, contractor shall include all subcontractors as insured's under Contractor and insurance or supply evidence of insurance to The State equal to policies, coverages and limits required of Contractor.
  
- b. Insurance Requirements: The contractor shall furnish to the State evidence of the following required insurance:
  - i. Commercial General Liability – Contractor shall maintain general liability on an occurrence form with limits not less than \$1,000,000 per occurrence/\$2,000,000 aggregate for bodily injury and property damage liability. The policy shall include coverage for liabilities arising out of premises, operations, independent contractors, products, completed operations, personal & advertising injury, and liability assumed under an insured contract. This insurance shall apply separately to each insured against whom claim is made or suit is brought subject to the Contractor's limit of liability. The policy must include the contract number and the following additional ensured designation and endorsement:

**“The State of California, Department of Water Resources, its officers, agents, and employees are to be covered as additional insureds with respect to liability arising out of work or operations.”**

The endorsement must be supplied under form acceptable to the Office of Risk and Insurance Management.
  - ii. Workers Compensation and Employers Liability – Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

**Policy shall provide a Waiver of Subrogation endorsement in favor of the State of California and the California Department of Water Resources.**
  - iii. Automobile Liability – Contractor shall maintain motor vehicle liability with limits not less than \$1,000,000 combined single limit per accident. Such insurance shall cover liability arising out of a motor vehicle including owned, hired and non-owned motor vehicles. **The State of California, Department of Water Resources, its officers, agents, and employees are to be covered as additional insureds with respect to liability arising out of work or operations.**
  - x. Errors and Omissions/Professional Liability – Contractors will maintain errors and omissions/professional liability insurance with limits no less than \$1,000,000 each occurrence and \$3,000,000 annual aggregate.

**1. If Policy is written on a claims-made basis provide the following:**

- a. The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.
  
- b. Insurance must be maintained and evidence of insurance must be provided **for at least five (5) years after completion of the contract of work.**
  
- c. If coverage is canceled or non-renewed, and not replaced **with another claims-made policy form with a Retroactive Date prior to** the contract effective date, the Contractor must purchase “extended reporting” coverage for a minimum of **five (5) years** after completion of work.

Subsequent renewals of the insurance certificate will be sent to the following name and address which also



will appear on the certificate as the certificate holder.

The Department of Water Resources  
Division of Regional Assistance  
Attn: TBD  
901 P Street  
Sacramento, California, 95814

4. PERMITS AND LICENSES

The Contractor shall procure all permits and licenses, pay all charges and fees and give all notices necessary and incidental to the due and lawful prosecution of the work.

5. POLITICAL REFORM ACT

The Contractor shall comply with the language stated in the Standard Contract Provisions Concerning the Political Reform Act, Exhibit E, Attachment 1. Contractor shall file a Statement of Economic Interests (Fair Political Practices Commission Form 700) upon assuming office, annually, and within 30 days after leaving office.

6. PROTECTION OF CONFIDENTIAL AND SENSITIVE INFORMATION: This shall apply to all Contractors whose terms with the Department require or permit access to Confidential or Sensitive Information in conducting business with the Department or performing duties under a Contract with the Department. Contractor shall impose all the requirements of this provision on all of its officers, employees, and Affiliates with access to Confidential and/or Sensitive Information in accordance with Attachment 2. Also a Nondisclosure Certificate, Attachment 3, must be signed by all personnel with access to Confidential and Sensitive Information and submitted to the Department prior to being allowed such access.

7. CONTRACT AMENDMENTS – DVBE PROGRAM REQUIREMENTS

Disabled Veteran Business Enterprise (DVBE) program requirements shall be included and made a part of any subsequent contract amendment(s) when DVBE program requirements were included as part of the Department's original solicitation/contract effort. DVBE participation program goals (usually 3 percent) are extended through the amended contract termination date and include any additionally encumbered funds that are a result of the contract amendment. The 90-Day and Final DVBE Subcontracting Activity Report shall be included in all subsequent contract amendment(s). The Contractor shall be responsible for continued program compliance and reporting.

8. CONTRACT AUDITS RELATED TO DVBE PROGRAM REQUIREMENTS

Contractor agrees that the State or its designee will have the right to review, obtain, or copy all records pertaining to performance of the contract as performance pertains to DVBE requirements. Contractor agrees to provide the State or its representative with any relevant information requested and shall permit the State or its representative access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this requirement. Contractor further agrees to maintain such records for a period of no less than three (3) years after final payment under the contract.

9. DVBE SUBCONTRACTOR ACTIVITY REPORTS – DWR 9553

The Contractor is required to furnish the Department with reports of DVBE subcontractor activity using the DWR 9553. Reports are to be made at 90-day intervals and must identify the DVBE subcontractor, the services performed or commodities used and the total paid to the subcontractor during the quarterly period reported. A final activity report is to be submitted prior to the contract expiration date. If multiple DVBE contractors are providing services or commodities, the Contractor must furnish individual reports for each DVBE subcontractor used.

The first report is due 90-days from the date of contract approval. At the Department's request, the Contractor shall submit copies of the DVBE contractor's paid invoices issued for that 90-day reporting period or final report.

If the Contractor fails to furnish the required reports, the Department may withhold final payment until the Contractor provides the required reports and, when requested by the Department, copies of paid invoices.

Final reports must be received by the Department at least 14 days prior to the contract expiration date.

Reports shall be made using the DVBE Activity Report Form 9553, Exhibit E, Attachment 4. **All reports shall be made to both the Department of Water Resources DVBE Advocate and the Project Manager for the contract as follows:**

Mail Reports to:

Department of Water Resources  
DVBE Advocate  
1416, Ninth Street, Room 353  
P.O. Box 942836  
Sacramento, California, 95814  
Fax Number: (916) 654-6511

Department of Water Resources  
Contract Manager  
Address  
Address  
City, California, Zip Code  
Fax Number:

10. SUBSTITUTION OF A DVBE SUBCONTRACTOR

Contractor understands and agrees that should award of this contract be based in part on their commitment to use the Disabled Veteran Business Enterprise (DVBE) subcontractor(s) identified in their bid or offer, per Military and Veterans Code 999.5(e), a DVBE subcontractor may only be replaced by another DVBE subcontractor and must be approved by the Department of General Services. Changes to the scope of work that impact the DVBE subcontractor(s) identified in the bid or offer and approved DVBE substitutions will be documented by contract amendment.

Failure of Contractor to seek substitution and adhere to the DVBE participation level identified in the bid or offer may be cause for contract termination, recovery of damages under rights and remedies due the State, and penalties as outlined in Military and Veterans Code 999.9; Public Contract Code (PCC) Section 10115, or PCC Section 4110 (applies to public works only). Contractor must immediately notify the Department's SB/DVBE Advocate that substitution of a DVBE subcontractor is requested.

11. CONTRACTOR CERTIFICATION OF PAYMENT TO SMALL BUSINESS AND DVBE SUBCONTRACTOR(S)

- a. If, for this Contract, Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)
- b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall

be subject to a civil penalty for each violation not less than \$2,500 and not to exceed \$25,000. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841)  
Contractor Certification must be made using DWR Form 9683 “Small Business and DVBE Subcontractor Payment Certification”, Exhibit E Attachment 5.

12. PRIME CONTRACTOR’S DVBE SUBCONTRACTING REPORT – FORM 810P

a. Form 810P – Statutory Reporting Requirements

Upon completion of contracts *awarded on or after 07/01/14* that include commitments to DVBE subcontractors, the State’s Prime Contractors are required to certify, under penalty of perjury, the total amount received from the State *and* the details of payments made to all DVBE subcontractors. The law further requires Prime Contractors to maintain supporting documentation for all payments to DVBE subcontractors identified in Form 810P. (Military and Veteran Code (MVC) 999.5(d); Government Code (GC) 14841; California Code of Regulations (CCR) 1896.78(e); Public Contract Code (PCC) 10369)

The California Department of General Services (DGS) created Form 810P for Prime Contractors to satisfy their statutory DVBE subcontracting reporting requirements. Download an Excel version of Form 810P from the tab titled “*DVBE Subcontracting Forms & Instructions – Effective July 1, 2014*” at:

<http://www.documents.dgs.ca.gov/pd/smallbus/Prime%20DVBE%20Sub%20Report.xls>

b. Form 810P – Filing Instructions

After contract completion *and* within 60 days of receipt of final payment from the State, submit two versions of Form 810P (an electronic and a hard copy) for each contract to DWR’s SB/DVBE Program Manager:

1. Email the Excel version of Form 810P to: [SB.DVBE@water.ca.gov](mailto:SB.DVBE@water.ca.gov)
2. Mail or deliver a hard copy of the Form 810P signed by a representative from the Prime Contractor with the appropriate authority to:

Department of Water Resources  
Attention: SB/DVBE Program Manager  
1416 Ninth Street, Room 345-1  
Sacramento, CA 95814

c. Form 810P – Completion Instructions

For instructions on how to complete Form 810P, please contact the SB/DVBE Program Manager at [SB.DVBE@water.ca.gov](mailto:SB.DVBE@water.ca.gov)

California Department of Water Resources

**EXHIBIT E, ATTACHMENT 1  
STANDARD CONTRACT PROVISIONS REGARDING  
POLITICAL REFORM ACT COMPLIANCE**

**1 POLITICAL REFORM ACT REQUIREMENTS:**

- a. **Form 700 Disclosure:** The Department of Water Resources (DWR) considers that the Contractor, subcontractor(s), and/or their key staff may be a consultant, i.e., a public official, within the meaning of the Political Reform Act, specifically Government Code §82048 and Title 2, California Code of Regulations §18700.3. Accordingly, as specified by DWR, such persons shall complete and submit to the DWR Personnel Officer a Form 700, Statement of Economic Interests, within 30 days of the earlier of the date work commences or the effective date of this agreement, updated both annually and when changes in key staff or duties occur. The financial interests disclosed shall be for Disclosure Category 1. Contractors may access the Form 700 on the Fair Political Practices Commission website at [www.fppc.ca.gov](http://www.fppc.ca.gov). Any questions regarding completion of the Form 700 should be addressed to the FPPC at its website or at (866) 275-3772 (866/ASK-FPPC). A leaving office statement must also be filed upon completion of all contract assignments.
- b. **Financial Conflict of Interest Prohibition:** Contractor must review the Form 700s filed by its key staff and subcontractors and determine whether, in the light of the interests disclosed, performance under the contract could violate Government Code §87100. Contractor shall notify DWR immediately of any potentially disqualifying conflict of interest. Government Code §87100 provides:
- “No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.”
- c. **Consequences of Failure to Comply with Political Reform Act Requirements:** Any one of the following shall constitute a breach of this Contract and shall be grounds for immediate termination of this Contract:
- (1) Failure to complete and submit all required Form 700s within the filing period described in paragraph A above, or respond to any request from the DWR Filing Officer for additional information regarding any such Form 700s;
  - (2) Failure to notify DWR of a potentially disqualifying conflict of interest;
  - (3) The determination by DWR or the Contractor that any individual, who is a contractor, subcontractor, and/or a key member of their staff, has a financial interest that could result in a violation of Government Code §87100 provided, however, that DWR may opt to waive such breach if Contractor replaces any such individual within two working days after a determination of such financial interest.

**EXHIBIT E, ATTACHMENT 2  
PROTECTION OF CONFIDENTIAL AND SENSITIVE INFORMATION**

1. For purposes of this Exhibit, “Contractor” means any contractor or researcher, including a Non-State Entity contractor or researcher, receiving funds from, doing business with, conducting research for, or performing services for the Department of Water Resources (“Department”) pursuant to a contract, purchase order, research agreement, grant or loan agreement, joint powers agreement, public works contract, or other contractual vehicle (collectively “Contract”). The term “Contractor” also includes Contractor’s officers and employees and Affiliates. For purposes of this Exhibit, the term “Affiliate” means a person or entity forming a partnership, joint venture, subcontract, sales contract, or other legal relationship with Contractor to carry out the terms of the Contract.
2. This Exhibit shall apply to all Contractors the terms of whose Contracts with the Department require or permit access to Confidential or Sensitive Information in conducting business with the Department or performing duties under a Contract with the Department.
3. Contractor shall impose all the requirements of this Exhibit on all of its officers, employees and Affiliates with access to Confidential and/or Sensitive Information.
4. For purposes of this Exhibit, “Non-State Entity” shall mean a business, organization or individual that is not a State entity, but requires access to State information assets in conducting business with the State. This definition includes, but is not limited to, researchers, vendors, consultants, and their subcontractors, officers, employees, and entities associated with federal and local governments and other states.
5. For purposes of this Exhibit, “Confidential Information” means information, the disclosure of which is restricted or prohibited by any provision of State or federal law or which is treated as privileged or confidential under such laws. Such Confidential Information includes, but is not limited to, information that is exempt from disclosure under the California Public Records Act (Government Code sections 6250-6255), privileged information as provided by California Evidence Code sections 900-968, public social services client information described in California Welfare and Institutions code section 10850, and “personal information” about individuals as defined in California Civil Code section 1798.3 of the Information Practices Act (IPA) if the disclosure of the “personal information” is not otherwise allowed by the IPA. Such Confidential Information may also include financial, statistical, personal, technical, and other data and information relating to operation of the Department.
6. For purposes of this Exhibit, “Sensitive Information” means information that requires special precautions to protect it from unauthorized modification or deletion. Sensitive information may be either public records or Confidential Information. Examples include statistical reports, financial reports, and logon procedures.
7. Contractor shall take all necessary measures to protect Confidential or Sensitive Information to which it or its Affiliates gain access from unauthorized access (accidental or intentional), modification, destruction, or disclosure. These measures may include, but are not limited to: password protection of electronic data, encrypted transmission of electronic data, and secure mailing and locked storage of paper and taped copies. Such measures may also include establishment of secure workstations and maintenance of a secure workstation access log.

Contractors shall also apply appropriate security patches and upgrades and keep virus software up-to-date on all systems on which Confidential or Sensitive Information may be used.

8. Contractors shall ensure that all media, including electronic media, containing Confidential or Sensitive Information, to which they are given access are protected at the level of the most confidential or sensitive piece of data on the media.
9. Contractor and Affiliate personnel allowed access to Confidential and Sensitive Information shall be limited to those persons with a demonstrable business need for such access. Contractor shall maintain a current listing of all Contractor and Affiliate personnel with access to Confidential and Sensitive Information.
10. Contractor shall notify Department promptly if a security breach involving Confidential or Sensitive Information occurs or if Contractor becomes legally compelled to disclose any Confidential Information.
11. Contractor shall comply with all State policies and laws regarding use of information resources and data, including, but not limited to, California Government Code section 11019.9 and Civil Code sections 1798 et seq. regarding the collection, maintenance and disclosure of personal and confidential information about individuals.
12. If Contractor obtains access to Confidential Information containing personal identifiers, such as name, social security number, address, date of birth, race/ethnicity and gender of individuals, Contractor shall substitute non-personal identifiers as soon as possible.
13. All data, reports, information, inventions, improvements and discoveries used, compiled, developed, processed, stored or created by Contractor or Contractor's Affiliates using Confidential and/or Sensitive Information shall be treated as Confidential and/or Sensitive Information by the Contractor and Contractor's Affiliates. No such data, reports, information, inventions, improvements or discoveries shall be released, published or made available to any person (except to the Department) without prior written approval from the Department.
14. At or before the termination date of the Contract, Contractor shall either (a) destroy all Confidential and Sensitive Information in accordance with approved methods of confidential destruction; or (b) return all Confidential and Sensitive Information to the Department; or (c) if required by law to retain such information beyond the termination date of the contract, provide for the Department's review and approval a written description of (i) applicable statutory or other retention requirements; (ii) provision for confidential retention in accordance such requirements and the terms of this Exhibit and (iii) provision for eventual destruction in accordance with all applicable provisions of State and federal law using approved methods of confidential destruction.
15. Contractor shall cooperate with the Department's Information Security Officer or his designee in carrying out the responsibilities set forth in this Exhibit.
16. Failure to adhere to these requirements may be grounds for termination of the Contract and for imposition of civil and criminal penalties.

Rev. 2/15

**EXHIBIT E, ATTACHMENT 3  
NON-DISCLOSURE CERTIFICATE**

I hereby certify my understanding that access to Confidential and Sensitive Information is provided to me pursuant to the terms and restrictions of the Protection of Confidential and Sensitive Information, Exhibit E, Attachment 2 of Contract No. 460000XXXX between [REDACTED] and the California Department of Water Resources. I hereby agree to be bound by those terms and restrictions. I understand that all Confidential and Sensitive Information, as defined in the Protection of Confidential and Sensitive Information, and any notes or other memoranda, or any other form of information, electronic or otherwise that copies or discloses Confidential Information, shall not be disclosed to anyone other than in accordance with Exhibit E, Attachment 2. I acknowledge that a violation of this certificate may result in termination of the Contract and/or imposition of civil or criminal penalties.

Signed: \_\_\_\_\_

Typed Name and Title: \_\_\_\_\_

Representing (give name of Contractor/Affiliate): \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT E, ATTACHMENT 4**

State of California

DEPARTMENT OF WATER RESOURCES

California Natural Resources Agency

**DVBE ACTIVITY REPORT**

Contract No.: \_\_\_\_\_ Bid Number: \_\_\_\_\_

Exhibit: \_\_\_\_\_ Attachment: \_\_\_\_\_

**REQUIRED REPORTING FORMAT**

Prime Contractor:		DVBE Sub-Contractor:	
Contact Name:		Contact Name:	
Telephone Number:		Telephone Number:	
DWR Contract Number:	46000 _____	DVBE OSDS No.:	
Report Date:		Percent Subcontracted:	_____
<b>Contracted Amount:</b>		<b>DVBE Commitment Goal:</b>	

DVBE Invoice or Order Number	Date Service or Commodity Provided	Service or Commodity Provided	Invoice Amount	Date Paid
<b>TOTAL \$0.00</b>				

Are you reporting 90-Day Activity?  Yes  No  
Reporting Period: \_\_\_\_\_ to \_\_\_\_\_

Are you making a Final Report?  Yes  No

What is the status of the DVBE services or commodities to be used? (i.e. have services begun, are commodities on order, etc.?)

If services or commodities have not been obtained, how and when will the commitment be achieved?

Authorized Signature: \_\_\_\_\_ Title: \_\_\_\_\_

DWR 9553 (Rev. 8/14)



### DVBE Activity Report Instructions

**Contractor:**

1. Your firm is responsible for reporting your company's DVBE sub-contractor activity.
2. If the DVBE services or commodities are of an ongoing nature throughout the term of the contract, your firm is required to provide 90-day activity reports. If the contract is amended to extend the term, reports are required for the duration of the new term.
3. If the DVBE services or commodities are a one-time purchase and meet the commitment goal, a single report will satisfy the reporting requirement.
4. The first report is due 90 days after the start date identified on the contract. Example: If the contract start date is September 1, the first report is due December 1.
5. When the approval process of a contract extends beyond the anticipated contract start date, the first report is due 90-days after contract execution. For example: August 1, 2003 is the anticipated start date. However, contract execution is September 10, 2003. The first 90-day report will be due January 10, 2004.
6. Final Activity Reports are due 14 days **prior** to the contract expiration date.
7. Reports must be made to both the DWR DVBE program manager and the Contract Manager.

**Completing the DVBE Activity Report Form**

1. Complete both Prime Contractor and DVBE Contractor Information; provide contact names and telephone numbers.
2. Identify the contract number associated with this report.
3. Provide the DVBE contractor's Department of General Services OSDS certification number.
4. Identify the report date and the percent sub-contracted to the DVBE contractor.
5. Identify the contract amount and the DVBE sub-contracting commitment goal, expressed in dollars. The dollar amount will be equal to the percent of the total contract amount for which you have agreed to sub-contract with the DVBE contractor. Both the percent value and the commitment goal must agree with DWR 9526, DVBE Bidder Requirements, originally submitted at the time of bid response.
6. Provide the DVBE transaction information: Identify invoice or order numbers, dates the service or commodities were provided, the type of service or commodities provided, the invoiced amount and the date paid. Provide the total transaction amount(s) for this report.
7. The Department may request copies of paid invoices. If so, include copies of invoice(s) with submittal of this report.
8. Identify whether this report is a 90-day or final activity report. For 90-day activity reports, identify the report period.
9. Provide a status on the use of the DVBE. Are services needed yet? Will services begin soon? Are the commodities on order? Are commodities needed at a later phase of the contract? If so, identify when they will be required.
10. If the DVBE has not yet been utilized, explain when and how the commitment will be achieved.
11. Provide the firm's authorized signature and title.

**Email form to:** [SB.DVBE@water.ca.gov](mailto:SB.DVBE@water.ca.gov)

**Or**

**Fax form to:** DWR DVBE Program Manager at (916) 653-6476  
Contract Project Manager (see Exhibit A, Scope of Work for program contact information)

**EXHIBIT E, ATTACHMENT 5**

State of California

DEPARTMENT OF WATER RESOURCES

California Natural Resources Agency

**SMALL BUSINESS AND DVBE SUBCONTRACTOR PAYMENT CERTIFICATION**

Contract No. 46000

Exhibit E:

As the Department of Water Resources contractor of record for Contract 46000, I certify, in accordance with Government Code 14841 and Military and Veteran Code § 999.5, and pursuant to the terms and conditions of the contract, all payments have been made to the small business or DVBE firm(s) listed below for commodities or services rendered under this contract. I understand certification must be made to the Department of Water Resources within 60 days of receiving final payment under this Agreement. I further understand and acknowledge that falsification of this certification may result in the imposition of civil or criminal penalties for not less than \$2,500 or more than \$25,000 for each violation.

*Instruction: Please copy this form to include as many Small Businesses or DVBE firms as necessary. Authorized signatures and information are required on each separately submitted form.*

Return completed form to: Department of Water Resources, Attention DWR SB/DVBE Advocate, 1416 9<sup>th</sup> Street, Room 353, Sacramento, CA 95814

Contracted Firm Name:

Name of Firm Representative:

Title:

Phone:

Fax:

Firm Address:

Street

City

State

Zip

DWR Contract Number: 46000

Total Amount Received Under this Contract: \$

Date Final Payment Received:

**SMALL BUSINESS - DVBE SUBCONTRACTOR INFORMATION**

	SB/DVBE Subcontractor	Address	City/State	Zip	Amount Paid	Participation Achieved
1					\$	%
2					\$	%
3					\$	%
4					\$	%

Printed Name	Signature
Title	Report Date